

## DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. BINGHAM. Mr. President, at the beginning of the session to-day, the Senate voted to send back to conference the District of Columbia appropriation bill. I read in the Evening Star that—

When the motion to disagree further and send the bill to conference was made in the House to-day by Chairman SIMMONS of the Subcommittee on District Appropriations, Representative CRAMTON, Republican, of Michigan, author of the original provision for the lump-sum contribution, was the only speaker on the motion.

He pointed out that the House, after a disagreement had been reported, by a record vote of nearly 20 to 1, insisted that the House conferees remain firm in their disagreement.

"As yet there has been no record vote in the Senate," said Representative CRAMTON, and he argued that "there should be a record vote in the Senate so that the House membership can know what is the real sentiment of the Senate. 'I hope,' he said, 'that the House conferees will not be in any hurry to compromise on this Senate amendment until the Senate membership has been given an opportunity to express their views by a record vote.'"

In view of that fact, Mr. President, I am going to ask unanimous consent to do the only thing which may be done, and that is at this time to submit a resolution stating:

That it is the sense of the Senate that \$9,000,000 is not a sufficient contribution to be made by the Federal Government to the expenses of the District of Columbia.

I am taking this action in order that to-morrow the resolution may come up at the proper time when resolutions coming over from a preceding day are laid before the Senate; and I shall ask for a record vote at that time, so that we may know whether the Senate believes, with its conferees on this bill, that \$9,000,000 is not a sufficient amount, and that the Senate conferees ought to compromise somewhere between the House figure of \$9,000,000 and the Senate figure of \$12,000,000. So I ask unanimous consent at this time to offer the resolution, in order that it may be acted upon to-morrow.

The VICE PRESIDENT. Is there objection?

There being no objection, the resolution (S. Res. 299) was ordered to be printed and to be laid on the table, as follows:

*Resolved*, That it is the sense of the Senate that \$9,000,000 is not a sufficient contribution to be made by the Federal Government to the expenses of the District of Columbia.

## NOTICE OF SUSPENSION OF PARAGRAPH 1, RULE XVI—AMENDMENT TO THE DEFICIENCY BILL

Mr. BLACK. I desire to give notice of a motion which I shall make to-morrow to suspend the rules so that I may offer to the second deficiency appropriation bill the amendment which I send to the desk. I inquire if it is necessary that the notice should be read?

Mr. JONES. I think it should be read.

The VICE PRESIDENT. It should be read.

Mr. BLACK. I ask that it may be read.

The VICE PRESIDENT. The Secretary will read, as requested.

The Chief Clerk read as follows:

Pursuant to the provisions of Rule XL, I hereby give notice of my intention hereafter to move to suspend paragraph 1 of Rule XVI of the Standing Rules of the Senate for the purpose of proposing to House bill 12902, the second deficiency appropriation bill, the following amendment, namely:

Add at the appropriate place the following:

"For the further study and investigation of the salt marsh areas of the South Atlantic and Gulf States, to determine the exact character of the breeding places of the salt-marsh mosquitoes, in order that a definite idea may be formed as to the best methods of controlling the breeding of such mosquitoes, \$25,000, to be expended by the Public Health Service in cooperation with the Bureau of Entomology of the Agricultural Department."

## ADJOURNMENT

Mr. McNARY. I move that the Senate adjourn.

The motion was agreed to; and (at 7 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 24, 1930, at 12 o'clock meridian.

## NOMINATIONS

*Executive nominations received by the Senate June 23 (legislative day of June 18), 1930*

## ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE DISTRICT OF COLUMBIA

Oscar R. Luhring, of Indiana, to be an associate justice of the Supreme Court of the District of Columbia. (Additional position.)

Joseph W. Cox, of the District of Columbia, to be an associate justice of the Supreme Court of the District of Columbia. (Additional position.)

## HOUSE OF REPRESENTATIVES

MONDAY, June 23, 1930

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Merciful Heavenly Father, we thank Thee that Thou art sufficient to the needs of each day. Do Thou hush the voices of evil desire, motive, and passion, and make the image within us clear and strong to meet the conditions of life. Add divine meaning to each day and guard every soul; keep our hearts pure and our lips from speaking guile. In the Christian's faith may we rejoice in life, and by fidelity and watchfulness be prepared for every divinely offered opportunity. Help us to go on our way, and by honest work and faithful service find that life is good by doing something to make it good. Again we thank Thee for life that throbs and flushes and flashes in the color and beauty and fragrance of a June day. Amen.

The Journal of the proceedings of Saturday, June 21, 1930, was read and approved.

## PERMISSION TO ADDRESS THE HOUSE

Mr. GARNER. Mr. Speaker, I want to ask unanimous consent that to-morrow, after clearing up the business on the Speaker's table, the gentleman from Alabama [Mr. OLIVER] may have 15 minutes in which to address the House.

The SPEAKER. The gentleman from Texas asks unanimous consent that on to-morrow, after the disposal of business on the Speaker's table, the gentleman from Alabama [Mr. OLIVER] may have 15 minutes to address the House. Is there objection?

Mr. MICHENER. Reserving the right to object, Mr. Speaker, I do not see the gentleman from Connecticut [Mr. TILSON] and the gentleman from New York [Mr. SNELL] present in the Chamber at this moment. I never object, and I do not like to object now, but if the business for to-morrow has been arranged for, I think the calendar should be protected for business. I hope the gentleman will make his request at some other time.

Mr. GARNER. If the gentleman will permit, I imagine a number of matters will be taken up to-morrow. The gentleman from Alabama might get time in general debate. He telephoned to me this morning and asked me to get for him 15 minutes. We all know that he is not a gentleman who wants to take up the time unnecessarily. I hope the gentleman from Michigan will not object.

Mr. MICHENER. There are a number of other Members who intend to make similar requests.

Mr. GARNER. Does the gentleman anticipate that the majority leader will be back at an early hour?

Mr. MICHENER. I can confer with the gentleman from Connecticut later to-day.

Mr. HOWARD. Mr. Speaker, I asked unanimous consent to address the House for 15 minutes on to-morrow and there was objection. I would like to ask unanimous consent for five minutes right now.

Mr. BACON. Mr. Speaker, will the gentleman yield a moment to allow me to make a unanimous-consent request?

Mr. HOWARD. I will yield to the gentleman for anything.

Mr. BACON. Mr. Speaker, I ask unanimous consent to print in the RECORD the statements of President Hoover and Secretary Mellon and General Hines on the subject of World War veterans' legislation.

The SPEAKER. The gentleman from New York asks unanimous consent to print in the RECORD the statements of President Hoover and Secretary Mellon and General Hines on the subject of World War veterans' legislation. Is there objection? There was no objection.

## WORLD WAR VETERANS' LEGISLATION

Mr. BACON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following letters of President Hoover, Secretary Mellon, and General Hines on the subject of pending World War veterans' legislation.

The entire file of correspondence of President Hoover; Senator JAMES E. WATSON, Republican leader of the Senate; Andrew W. Mellon, Secretary of the Treasury; and Maj. Gen. Frank T. Hines, Director of the Veterans' Bureau, concerning the veterans' bill was made public at the White House late this afternoon.

It was issued at the request of Senator WATSON.

## PRESIDENT HOOVER'S LETTER

President Hoover's letter follows:

THE WHITE HOUSE,  
Washington, June 21, 1930.

Hon. JAMES E. WATSON,  
United States Senate, Washington, D. C.

MY DEAR SENATOR: In accordance with our discussion I am sending herewith communications from Secretary Mellon and General Hines, Director of the Veterans' Bureau, on the subject of the World War veterans' legislation now before the Congress, showing the result of their investigation into the effect of the bill reported this week to the Senate. These memorandums confirm the views which I have expressed during the past few weeks, and I believe the Congress and the public should be informed thereon.

General Hines states that the bill which has been passed by the House of Representatives will add directly to our present expenditure for World War veterans (at present \$511,000,000 per annum) by \$181,000,000 for the first year, increasing annually until it reaches a possible additional sum of \$400,000,000 a year. This bill, as amended by Senate committee, will add directly \$102,000,000 the first year, ultimately rising to the addition of a sum of \$225,000,000 per annum. Even these estimates are far from including the whole of the potential obligations created by the principles embraced in this legislation and the uncertain added expense by certain amendments to previous legislation.

Mr. Mellon states that the passage of this legislation implies positive increase of taxation at the next session of Congress.

## CITES VIEWS OF VETERANS

It does not appear that these bills even represent the real views of the various veterans' organizations. The American Legion, after careful study as to what they considered the needs of their fellow veterans, proposed legislation which would require an additional annual expenditure of \$35,000,000 per annum. Thus these measures which are before Congress represent an implied increase in expenditure of from three to ten times what these veterans themselves consider would be just. The Veterans of Foreign Wars and other organizations have contended for measures differing entirely from these now proposed.

General Hines has pointed out that this legislation goes far beyond immediate necessities and that of even more importance, it creates grave inequalities, injustices, and discriminations among veterans resulting from the methods adopted or extended in these bills, and creates future dangers to both the public and the veterans. The very fact that the committees of Congress and the various veterans' associations have themselves been, during the last six months, of many minds upon these questions indicates their extreme difficulty. There certainly comes from it all the conclusion that we should either have a sound plan now or should have more time for determination of national policy upon established principles in dealing with these questions for the future. We must arrive at such a basis as will discharge our manifest national obligation with equity among veterans and to the public.

## WOULD SEE JUSTICE DONE

I do not wish to be misunderstood. There are cases of veterans who are in need of help to-day who are suffering and to whom I earnestly wish to see generous treatment given. But these situations do not reach anything like the dimensions of those measures.

We have stretched Government expenditures in the Budget beginning July 1 to the utmost limit of our possible receipts, and have even incurred a probable deficit principally for the relief of unemployment through expansion of public construction. Every additional dollar of expenditure means an additional dollar in taxes. This is no time to increase the tax burden of the country. I recognize that such consideration would carry but little weight with our people were the needs of our veterans the issue, and were we dealing with sound measures; but as General Hines presents, there are conclusive reasons for opposing an unsound measure which is against the best interests of the veterans themselves and places an unjustified load upon the taxpayers at a time when every effort should be made to lighten it.

I do not believe that just criticism or opposition should arise to such suggestions upon full understanding of the situation, for I know that the great body of patriotic men who served in the World War themselves realize that there are limits to expenditure and there are principles that should be adhered to if we are not to prejudice their interest both as veterans and citizens.

Yours faithfully,

HERBERT HOOVER.

## SECRETARY MELLON'S LETTER

The letter from Secretary Mellon to President Hoover follows:

THE SECRETARY OF THE TREASURY,  
Washington, June 21, 1930.

MY DEAR MR. PRESIDENT: I have your memorandum stating that the Director of the Veterans' Bureau estimates the cost in the fiscal year 1931 of H. R. 10381, as amended and reported by the Senate Finance Committee, to be \$102,000,000, and the ultimate cost to be \$225,000,000

annually. You ask me to give you my best judgment as to whether receipts for the fiscal year 1931 will be adequate to support this additional burden. I regret to say that they will not.

You appreciate, of course, the very great difficulty of estimating revenue 12 months in advance, particularly when, as under our system, the Government depends so largely on one form of tax, the income tax, which is directly susceptible to fluctuations in business conditions. An absolutely accurate estimate would presuppose our ability to forecast general business conditions over the period of the next 12 months, and this is obviously impossible.

Based on estimates of expenditures furnished by the Director of the Budget and on this department's estimates of receipts, which, I may add, are predicated on a not unhopeful attitude in respect of future business developments, the present indications are that the Government will close the fiscal year 1931 with a deficit of over \$100,000,000. If the reduced income tax rate is to be retained and made applicable to 1930 incomes, present estimates forecast a deficit of approximately \$180,000,000. These figures are, of course, exclusive of any additional burden to be imposed by new legislation.

## DIRECTS ATTENTION TO PAYMENTS

I think I should call your attention to the fact that these figures are based on the assumption that interest payments to be made by foreign governments in accordance with existing debt settlements would be paid in United States Government securities, as they have almost universally been paid in the past, rather than in cash, thus constituting an automatic reduction of our national debt, but not making these payments available for current expenditures. Even when foreign interest payments have been made in cash the Treasury up to the present time has been in a position to apply them to the reduction of our national debt. This policy has been so well established over the course of years, and is manifestly so sound that foreign repayments, both principal and international, have come to be looked upon as definitely earmarked for the reduction of our war debt. Moreover, whether these interest payments are to be made in securities or cash is dependent on conditions wholly without our control. We are not justified, therefore, in budgeting upon the assumption that they will be made in cash. But assuming that they are, and assuming that our Government is willing to set aside its well considered and established program of debt reduction, even then I can not give you any assurance at the present time, and without taking into consideration new burdens, that we can retain the 1 per cent reduction and not incur the danger of a deficit.

But if \$100,000,000 or more is to be added to the expenditures already in sight, it is perfectly apparent that the 1928 income-tax rates must be restored, and I should not be quite fair to the Members of both houses and to the taxpayers of the United States if I did not point out at this time that this increased burden may necessitate even higher rates than provided for in the 1928 revenue act.

## ANXIOUS TO RETAIN LOW RATES

In the present state of business, accompanied as it must be by an inevitable reduction in the national income, the Treasury Department is vitally interested in not definitely closing the door to the possibility of retaining the reduced tax rates now in existence. In spite of the figures above quoted I am still hopeful that conditions may have shown such improvement by December as to justify my recommending to you and to the Congress for a renewal of the action taken last December. The present estimates do not indicate that this is possible, but this does not mean that we should put ourselves in such a position as to preclude the possibility should events take a favorable course.

In this connection I think it is appropriate to remind you of what this 1 per cent reduction means to the income taxpayers, and particularly to the income taxpayer with a moderate income.

If the 1 per cent reduction is not retained approximately 2,095,000 taxpayers with net incomes of \$10,000 or less will pay during the calendar year 1931 approximately \$28,000,000 more than they would otherwise pay, thus losing the benefit of a 56 per cent reduction. If we take taxpayers with net incomes of \$7,000 or less they will lose the benefit of a 68 per cent reduction in taxes. It will be remembered that about two-thirds of the tax reduction benefit to individuals was accorded to taxpayers with net incomes of \$25,000 or less.

## POINTS OUT COSTS TO FIRMS

In so far as corporations are concerned, if the rate is restored to 12 per cent they will lose the benefit of approximately a \$90,000,000 reduction in their income tax—at a time when the Government should endeavor to relieve rather than to increase the burden on industry.

In conclusion, I can answer your question by stating that legislation increasing the expenditures for 1931 by \$100,000,000 and moreover the above expenditures as now estimated by the Budget Director, will necessitate the restoration of rates applicable to 1931 income to the rates provided for in the revenue act of 1928, and it is probable that such increased expenditures may call for even higher taxes in order to maintain a balanced budget.



In fairness to the country I feel that the Congress should be informed that if expenditures are further increased now, taxes must be in December.

Faithfully yours,

A. W. MELLON.

The PRESIDENT,  
The White House.

#### GENERAL HINES'S LETTER

General Hines's letter to the President:

UNITED STATES VETERANS' BUREAU,  
OFFICE OF THE DIRECTOR,  
Washington, June 21, 1930.

MY DEAR MR. PRESIDENT: I wish to call your attention to the very grave situation that has arisen in the matter of veterans' legislation, both as to the proposed principles being considered and their ultimate effect, if adopted, upon the veterans and upon the policy and expenditures of the Government and the very large immediate burden which this legislation calls for.

I recently advised the Senate Committee on Finance that the bill passed by the House of Representatives and then being considered by them would cost approximately \$181,040,650 per annum and a possible final annual expenditure of over \$400,000,000.

The Senate Finance Committee made various amendments to this bill, and I have now made a reexamination of the cost implied under the bill as reported to the Senate. This bill requires an estimated immediate annual expenditure of \$102,553,250, with a growing maximum cost reaching a potential amount in five years of approximately \$225,000,000 per annum.

#### CONCERNED AT PRINCIPLES INVOLVED

Of the deepest concern to the Nation should be the principles being incorporated into these forms of legislation. The principles in both of these bills depart absolutely from the original conception of assistance to World War veterans based upon disability to earn their living because of injury or disease arising out of the World War. No one questions the obligation of the Nation to its disabled veterans' and under the present law some 374,500 veterans or their dependents, out of the total of 4,500,000, are now being compensated at an annual expense approximating \$206,000,000. These veterans also participate with all other veterans in the benefits of the war risk insurance legislation and the so-called bonus legislation, which bring up the total annual sum of expenditures of this bureau at the present time to approximately \$511,000,000.

One of the results of this legislation would be that men suffering with those diseases now presumed to have been acquired in the service if developed prior to January 1, 1925, would have such diseases presumed to have been acquired in the service if they developed prior to January 1, 1930, and other men suffering with diseases which have not heretofore been afforded the benefit of any presumption by law would be presumed to have acquired their diseases in the service if the same arose prior to January 1, 1930. It is estimated that this provision alone would probably affect approximately 100,000 veterans not now in receipt of compensation benefits for these disabilities.

The medical council of the Veterans' Bureau, comprising some of the oldest physicians and surgeons of our country, has reported to me that the inclusion of the diseases contemplated by this provision is unsound medically and it can not be presumed that the diseases involved are the result of service during the World War. Therefore the theory upon which these benefits are extended is false.

If we are to depart from the sound principles of the payment of compensation for injury and disease resulting from war service, then it appears to me that the real problem before us is whether the Nation is going to assume responsibility for disabilities among the 4,500,000 veterans which originate as ordinary incidents of life. The policy of our Government almost from its inception has been to take care of our veterans when they have reached that period in life when they are overcome by permanent disabilities or age so that they are unable to earn a support.

#### CALLS ATTENTION TO POLICY

At this date, 13 years after the World War, the veterans of that war average about 38 years of age. If it is claimed that the time has been reached when it is necessary to give consideration to the matter of a pension for this group of veterans along the same lines that we have cared for veterans of other wars, then the policy should be based upon the fundamental principles of pension legislation adapted to what the Nation can afford to do for the entire group of veterans who will eventually have to be cared for. Most certainly we should distinguish clearly between those veterans whose injuries and disabilities were incurred in service and those whose disabilities have been brought about by other causes after service.

To approve a measure which will simply take care of 100,000 of these men under a presumption which we know is unsound, where their disabilities are not due to service, without extending to their comrades in the larger group the same measure of relief, is manifestly inequit-

able. In other words, we are opening the door to a general pension system at the same rates of compensation given to men who actually suffered in the war. Its potential cost to the Government may quite well run into hundreds of millions of dollars.

#### ANALYSES INTENT OF CONGRESS

I have no doubt that the Congress has in mind by suggesting the further broadening of the presumptive clause of the present World War veterans' act, taking care of a number of cases which they feel are meritorious and which at this time the law does not cover. If it was only the intention of the Congress to take in border-line cases it might well be accomplished by so amending the present act to permit the bureau to give due regard to lay and other evidence not of a medical nature in connection with the adjudication of claims. Such a provision would be interpreted by the Veterans' Bureau as sufficiently broad to permit liberal adjudication of border-line cases.

Another radical departure in the proposed legislation from the existing law is the provision to give a cash allowance to men in hospitals not suffering from a service-connected disability and while in hospital to also pay an allowance for their families and dependents. Under the present law when there are vacant beds available opportunity is afforded to a veteran for medical care in hospitals when he is in need of treatment without regard to the character or origin of his disability. The hospital facilities of the Government are at this time inadequate to provide care for all veterans of noncompensable disability who need medical attention, and consequently there is before the bureau at all times a waiting list of men seeking treatment.

We are faced with the proposed policy of paying the veteran fortunate enough to secure a hospital bed an allowance for himself and his dependents. For the veteran who is equally in need of treatment, but for whom a hospital bed is not available, it is not proposed that any payment be made either to himself or to his dependents. Inequity immediately arises, and to the extent the Government is not able to furnish hospital beds does this inequity increase. The Congress has not signified definitely its purpose to construct permanent hospital beds for all veterans who need hospital treatment.

#### SEES ADDITIONAL DEMANDS

Certainly with the passage of this proposed provision there would result a definite and increasing demand for additional hospital beds and in all equity such a demand can not but be recognized. It is conservatively estimated the total number of veterans who will need hospitalization is 69,000.

If the Government is to provide sufficient hospital facilities so that all men suffering with disabilities, irrespective of service origin, can be hospitalized it would necessitate providing within the next three years 13,000 new beds in addition to those existing or authorized. The cost of construction of such facilities would approximate \$45,500,000, and the annual maintenance cost, after completion, would approximate \$19,500,000. Further, if the Government is to eliminate all questions of inequality, even to the point where the bureau's peak of hospital load is expected, current estimates indicate an ultimate need of 39,400 additional beds, the cost of construction of which would approximate \$137,900,000, with an annual maintenance cost of \$59,100,000.

Even with all these provisions we would not have taken care of old age and many other fatalities that may happen to our World War veterans.

#### CALLS POLICY WRONG

My plea at the moment is that we are proceeding on wrong principles, that we are driving toward such a stupendous expenditure by the Government, the extent of which can not be estimated, as will eventually react against the interest of the disabled veterans themselves. We are creating a prospective burden for the taxpayers before we have adopted any sound national policy of dealing with the whole problem, which will have committed ourselves directly and inferentially to a total annual expenditure on account of World War veterans of upward of \$1,000,000,000 per annum even before we have given consideration to the granting of pensions.

My plea is directed to the fact that this legislation should not be passed, and that there should be substituted an entire consideration of the principles upon which the Nation will discharge its obligations, not by creating injustices and inequalities, but by some method of general application to the entire group.

Pending such study, I earnestly urge that the bill which I submitted for the consideration of Congress, which will be beneficial to many veterans, be adopted.

Very sincerely yours,

FRANK T. HINES, Director.

HON. HERBERT HOOVER,

The President of the United States,  
The White House.

Mr. BACON. Mr. Speaker, I also ask unanimous consent to insert in the RECORD the statements of Secretary Mellon, Secretary Lamont, and Assistant Secretary Klein on the recent tariff act.



The SPEAKER. The gentleman from New York asks unanimous consent to insert in the RECORD a statement of the Secretary of the Treasury Mellon, Secretary Lamont, and Assistant Secretary Klein on the subject of the recent tariff act. Is there objection?

There was no objection.

#### SECRETARY MELLON'S STATEMENT ON THE TARIFF

Mr. BACON. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following statement of Secretary Mellon on the tariff act.

In answer to the question of whether the enactment of the Smoot-Hawley tariff law would in his opinion adversely affect the business interests of the United States and retard a business recovery, Secretary Mellon said:

I do not believe that it will. It seems to me that fears and criticisms have been greatly exaggerated. Whenever a new protective tariff law has been enacted gloomy prophecies have been made. They have failed to materialize as far back as I can remember, and my memory goes back many years. The rates in the bill as it passed the House a year ago were higher than in the bill recently signed by the President. Yet business at that time did not take alarm. There seems to be no reason why it should now. I know of no industry that is seriously hurt, while those industries which needed additional protection and received it are benefited.

I have canvassed the situation with the Secretary of Commerce, and the notion that this law is going to destroy our foreign trade expressed in some quarters is certainly without foundation. The United States will continue to buy a vast quantity of foreign products and to sell the products of its farms, mines, and factories all over the world. In so far as imports are concerned, foreign nations that do business with us would do well to remember that the all-important factor is the maintenance of the high purchasing power and standard of living of the American people.

The enactment of this measure brings to an end 15 months of uncertainty. American industries know now where they stand and will, I am confident, adjust themselves without difficulty to new conditions. There seems to be an impression that the new bill makes a sweeping revision upward of existing rates. While it is true that there is a sharp increase in rates applicable to the agricultural schedule, generally speaking, other rates can not be said to have been advanced sufficiently to alter substantially our existing economic position. In fact, only a comparatively few of the major items have been changed. I do not mean to imply that the bill is free from defects. No tariff bill is. But this measure at least by its own terms provides the means whereby inequalities and errors may be adjusted. I look upon the flexible provisions as highly important. I believe that they offer the opportunity not only to correct errors and to adjust rates to meet new and changing conditions, but that they lay a foundation for a businesslike method of tariff revision, free from the pull of sectional and political interests that seem to make a scientific and well-balanced revision by the legislative body almost impossible. If these provisions are intelligently and courageously applied, they should go a long way toward making another legislative revision of the tariff unnecessary for many years to come. This of itself is of inestimable benefit to business, for there is nothing more unfavorable to prosperity than uncertainty and frequent necessity to adjust economic conditions to legislative enactments. In short, it seems to me that the final enactment of the tariff law, far from placing a new obstacle in the way of business recovery, removes one by eliminating the uncertainty of the last 15 months, and by its promise of more businesslike revision in the future makes a definite contribution to business stability.

#### STATEMENT BY SECRETARY LAMONT ON THE TARIFF

Mr. BACON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following statement by Secretary Lamont:

I have been asked, "What effect will the new tariff have on our foreign trade?"

Some light on this question may be gained from the experience after the passage of the tariff act of 1922; that act raised the level of duties, as compared with the Underwood Act, much more than has been done in the present revision. As many protests were received from foreign countries as have been received in the present year; and there were just as many predictions of disaster to our foreign commerce.

What actually happened: In the seven years under the 1922 tariff act our total imports increased 41 per cent. Imports of manufactured goods from Europe rose from \$340,000,000 in 1922 to \$581,000,000 in 1929, or by 45 per cent. These gains were not due to increased prices of commodities.

Our imports from Germany and Czechoslovakia more than doubled; from Italy they increased 83 per cent; from Belgium, 37½ per cent; from Spain and Switzerland, about 25 per cent each; and from France, 20 per cent. The United Kingdom is the only important European country from which we purchased less in 1929 than in 1922, and this falling off was not due to changes in our rates of duty.

During the same period our exports of finished manufactured goods, the class most affected by the tariff of foreign countries, increased practically 100 per cent. Every year following the enactment of the 1922 act showed a marked gain until the present year.

It is obvious, of course, that the reductions in imports and exports which began in the latter part of last year are not to be attributed either to the discussion of our tariff or its enactment. There has been a recession in business and a reduction in prices throughout the world. Other countries, as well as ours, have seen their trade in both directions decline during recent months.

Much has been made of the protests presented by various foreign nations during the course of the tariff discussion. There is nothing new in such protests. Every country, including our own, shows concern when other countries propose increasing their tariffs.

The United States is not alone among nations in making changes in its tariff levels. Forty or 50 other countries have made general upward revisions since 1925, including nearly all of those countries which have protested against the proposals to increase our rates.

The protests which have been made by foreign governments to us, in connection with the 1930 tariff, may seem to indicate a wide sense of grievance. However, they include protests made over the course of more than a year during the various stages of the tariff bill. In a considerable number of cases the proposed increases to which they related were not finally enacted, as for example in the case of laces, bananas, jute, and shingles. In other instances, the rates objected to were materially moderated during the progress of the bill so that as finally passed they are not much different from what they were before, as in the case of plate glass, rayon, Swiss cheese, soybean oil, oriental carpets, perfumery, and pharmaceuticals. The rates on silk goods caused considerable anxiety at times, but the final average increase in duty is less than 5 per cent ad valorem.

Taking these points into consideration, we find that those protests which actually apply to the act as passed and which relate to changes of duties of possible real importance to the protesting countries amount to probably not more than 10 or 12 per cent of our total imports.

Perhaps the most important feature of this tariff bill is the new flexible clause. The old one did not work very well. The present clause is more effective in that the commissioners have greater latitude at arriving at differences in cost of production as a basis for adjusting rates. If a foreign country believes that any of our tariffs are unduly high and prevent competitive shipment into the United States, it can present its case to the reorganized Tariff Commission, which in collaboration with the President has the power, if the complaint is justified, to rectify the rates. This new proposal for dealing with such cases by a semijudicial body is unique in the world's tariff procedure. No other nation has offered to us a similar opportunity to present our case where, as often has happened, we have believed its duties were unduly high and discriminatory against us. This plan should enable us to meet in a fair manner outstanding cases involving foreign interests.

Considering then these things:

(1) The steady growth for many years of both exports and imports, in spite of increases in previous tariffs;

(2) The relatively small percentage of our imports to which the protests of our foreign friends apply; and

(3) The availability of a workable, flexible clause to adjust unfair situations.

We believe the new tariff law will not retard the amazing growth of our foreign trade. It should be remembered also that four-fifths in value of our imports consist of goods which are either free of duty or unchanged or reduced in duties under the new law.

The United States will continue to buy from and sell to the nations of the world vast quantities of products. Our great and growing buying power, partially no doubt a result of the protective system under which we have grown up, enables our people to steadily expand their purchases from foreign countries.

#### STATEMENT OF DR. JULIUS KLEIN ON THE FLEXIBLE TARIFF CLAUSE

Mr. BACON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following statement on the tariff made by Assistant Secretary of Commerce Dr. Julius Klein:

At last the tariff bill has become a law after 18 months of tumult. Business, which has owed at least some of its recent troubles to uncertainty about the tariff, can now chart its course under fixed stars instead of by the gyrating uncertainties of partisan fireworks.

I am not going to discuss the rate changes. Merely to list them would fill up—several times over—the allotted period of this talk. To present the "pros and cons" on even the major rate changes would take much longer still.

Many of the rates in this act, like many in every previous tariff act, will doubtless be unwelcome to various groups of our citizens. Some will consider this or that rate too high—while others may regard it as too low. No tariff law has ever met universal commendation, even among the members of the party chiefly responsible for its passage.

The truth is that modern business has become so enormously complex that a legislative body, however capable and patriotic its members may



be, is bound to find the proper adjustment of the rates on the thousands, the tens of thousands, of commodities in contemporary commerce an inconceivably difficult and formidable task. Add to this the necessity for each Congressman to get recognition for the interests of his section or district by combining with others to promote their needs, and you have logrolling.

Moreover, when a tariff bill—or any bill—is under discussion for 18 months, the halls of Washington are filled with lobbyists fomenting drives and propaganda; inevitably, therefore, the admitted zeal and high purposes of the leaders on both sides have been largely obscured. All of which is bound to make one wonder whether such practices are really inevitable in the tariff-making procedure.

We Americans are strong for efficiency in our methods of doing things. We multiply labor-saving devices in our industries. Is it not possible for us to bring a new economy into the "tariff factory," where duties are made presumably in the interests of these very industries and of the public as a whole?

The President has felt that these excesses of logrolling, lobbying, and rate swapping must be replaced by a new era. As the medium for this he has developed with Congress one of the most vital provisions of the new tariff law. I believe that we have here a most helpful instrument to be wielded for the public good—one which, in the field of tariff building, is capable of substituting reason for rancor, precision for prejudice, and calm, well-planned decision for endless, confusing debate.

I mean, of course, the clauses that provide for a reorganized Tariff Commission and a new flexibility in this tariff of ours. "Just what is this flexible provision?" you may ask. In substance, it means simply that an expert tariff commission is given authority to determine the right rate and to recommend it to the President. If he approves, it goes into effect, replacing the rate named by Congress. The authority of the commission is, of course, by no means unlimited. No rate may be increased or decreased by more than 50 per cent. The change must be the result of thorough investigation and be based on the fundamental factors which I shall indicate in a few moments.

To be sure, Congress could not, under the Constitution of the United States, withdraw entirely from the responsibility for the levying of duties. It would not wish to do so even if it could. As the representatives of our people, the Members of Congress must lay down the policy. Congress can, however, authorize an expert body to apply the principles thus laid down—and it has done so in the act just passed.

In view of the extreme complexity of modern economic conditions and the speed of developments, in view also of the pressure of special interests and of sectional viewpoints upon the Members of the Congress during the framing of a tariff act, it would be truly surprising—it would indeed be almost beyond the bounds of human wisdom—if there issued from such a struggle a measure devoid of inequities, incongruities, and mistakes. Such unsatisfactory phases are admittedly present in the text of the new law. The primary purpose of the flexible provision is to permit the new Tariff Commission to correct them.

Moreover, the flexible provision conforms to the spirit of the modern business age. In any broad view of our present-day business life, we find ourselves confronted with a rather startling paradox—namely, the indisputable fact that about the only enduring element in contemporary commerce is its rapidity of change. We are witnessing positively kaleidoscopic shifts in industry and trade. New ideas emerge abruptly and gain astonishing force. Magical inventions bring marvelous industrial transformations almost overnight. New commercial channels are swiftly chiseled out under novel and compelling pressures. The tempo of business—as of our living in general—has never before been so volatile or so dynamic.

Under conditions such as these, no fiscal policy, no tariff policy, can prove widely, permanently satisfactory if it is afflicted with undue rigidity. In dealing with problems such as these, the factor of flexibility expresses the demands of modern business.

In such a structure as a bridge, a vehicle, or any sensitive and complex modern mechanism, we must have that invaluable element of pliancy. To be too unyielding is to invite impairment, damage, grave disaster. There must be springs and safety valves. And so, in that delicate and intricate economic device that we call the tariff, we must provide for speedy, easy readjustments, as new circumstances may require. That is the essential meaning of the new flexible tariff clause.

And, incidentally, we are about the only major commercial nation which has adhered most persistently to the idea of a rigid tariff. Over the past 50 years we have had only 8 new tariffs, or an average of 1 for about every 6 years. In contrast with that, every one of our trade rivals has been very sensibly shifting at frequent intervals this or that portion of its tariff structure to suit the new circumstances of consumers and of the interested trades. In these days of sudden economic change such elasticity of trade strategy is of paramount importance.

But here is an important innovation in our new flexible set-up. The President's interpretation of the new clause gives to it a generous and human aspect in our relations with other countries that has not elsewhere been attained. In fact, not another government on earth has

invited other nations to avail themselves of a specially constituted body to pass upon their complaints regarding alleged tariff obstacles to trade, short-cutting the time-consuming diplomatic circumlocutions customary in dealings between governments. Let us hope that the benefit of this example will not go unnoticed beyond our borders, for we certainly have had on our part an abundance of just complaint against the inequities of foreign tariffs long antedating the retaliatory furore of recent months.

I wonder whether it would not be possible to draw a rather striking parallel between this mechanism of the tariff, and that most popular of American machines, the automobile. In the old days, when a "horseless carriage" did not percolate, the accepted procedure was to hitch on a team of horses and drag the stubborn vehicle to the nearest blacksmith, who would promptly take all the machinery apart and spread its "gizzards" all over the back yard of his shop. But what do we do now? We simply take it to an expert who puts in a new spark plug, or blows out the gas line, or cleans up the points—and we go on our way rejoicing. We do not dismantle the whole car with the object of remedying some minor fault or mechanical mischance. Even a new motor requires readjustment by a good mechanic after it has run a while—a few body bolts to be tightened, the spark gap adjusted, or some tinkering with the carburetor.

Now is not our way of putting an expert to work on the car much more "common sensical" than getting some handy man, who, however helpful and conscientious he may be, must, because of his many other jobs, in many cases give himself a complete prolonged course of elementary instruction in this complicated task? Obviously, I mean no disrespect to my good friends in Congress. They do their level best; in fact, the amazing thing to me is that they accomplish as much as they do, in this tariff matter as well as countless others, considering the terrific pressure under which they must work. Congress builds the car, let us say, but the trained adjustments of the expert mechanic, namely the Tariff Commission, will keep it running efficiently under the new flexible clause.

A permanent scientific body working continuously and exclusively on this subject, in somewhat the way the Interstate Commerce Commission works at our railway rate structure, can, in collaboration with the President, make adjustments on individual commodities, as conditions change or need is proven—without introducing uncertainty into the entire business fabric. A reasonable period of investigation and public hearings will constitute sufficient notice to all persons who are concerned—so that there need never be a sense of disturbance to business through sudden and unexpected changes. In any case, changes made under the flexible authority do not become effective until 30 days after proclamation by the President, allowing shipments en route to be cleared and pending transactions to be consummated under the old duties.

The new Tariff Commission which the President is directed by the new act to designate within 90 days, replacing any or all of the present incumbents, will be composed (we may be sure) of men of outstanding ability, fair-mindedness, and high repute before the American public—imbued with the sincere desire and purpose of the President (so vigorously expressed in his tariff statement of last Sunday) to revitalize the flexible provision and make it genuinely helpful to consumers as well as producers. The President has declared his intention to make it an effective means of removing any serious inequities or inadequacies that may be incorporated in the present bill—accomplishing that result through a prompt and scientific adjustment of the duties in the light of differences in production cost here and abroad, as well as other considerations in international competition which the new law authorizes the Tariff Commission to take into account.

Here is a chance, offered in the fairest, friendliest spirit, for our foreign friends to present their cases for consideration in a manner devoid of all partisan bitterness and of the exaggerations of political expediency which are more or less universal in tariff discussions.

Possibly at this point I hear some critic muttering to himself, "Haven't we already had a flexible tariff arrangement for nearly nine years, and what has it accomplished? It has raised a few rates and lowered one or two. The changes it has made have been so unimportant as to have no real effect on the national welfare one way or the other. Why expect more from the reorganized commission?"

There are a variety of reasons why, I believe, we may reasonably hope that the new Tariff Commission will accomplish a great deal more in changing rates in both directions under this clause than was done under the old plan. In the first place, there has been an entire revolution in powers. Instead of a very limited and circumscribed authority for the President, we now have a rate-making commission of large powers. Second, the American people are now, for the first time, fully ripe for real use of a Tariff Commission, in contrast with the conditions following the new tariff law of 1922, when, as the President has said, "by tradition and force of habit the old conception of legislative revision was so firmly fixed that the innovation was bound to be used with caution and in a restricted field, even had it not been largely inoperative for other reasons." Conditions are assuredly vastly different now.

Wise students of public affairs realize that the administration of a law is often more important in shaping its character and usefulness than the legal phraseology of the act. The flexible provision under the



tariff act of 1922 was the first experiment of the kind in our history. A first experiment is seldom an entire success, and we have learned much from the mistakes and shortcomings revealed in the operation of that provision.

I spoke a moment ago about the powers given to the Tariff Commission. Here is a point that should be stressed: The one big lesson learned from the experimental operation of the first flexible tariff was that it was extremely difficult to adjust duties simply on the basis of a direct comparison of domestic and foreign production costs. Production costs are difficult to ascertain even in this country, and investigations abroad by American representatives into the offices and factories of foreign producers have often been keenly resented.

In many cases no reports or decisions could be made under the old flexible provision because of the absence of reliable or representative data on production costs. Bear in mind, too, that one of the technical difficulties in fixing proper rates hitherto has been the question of transportation costs—whether they should be included in a comparison of production costs; and if so, transportation to what point. Should it be the point of entry into the country? Should it be the principal markets? Should it be the main consuming center? There was vagueness and uncertainty under the old law—but the new law gives definite instructions on that point. Here we see a vital element of superiority in the legislation now in force.

Now, if actual production costs are not readily ascertainable—or if the commission desires to act on data supplementary to such costs—it may take into account evidence of costs in the form of average invoice prices or values of both foreign and domestic goods for a representative period, as well as "other relevant factors that constitute an advantage or disadvantage in competition."

Thus the new flexible clause views the problems of international competition realistically—as a common sense, real business issue—in authorizing the commission to take account of all vital elements entering into the actual determination of the conditions of competition between foreign and domestic producers.

Critics may find fault with this or that provision in the flexible authority or point out its shortcomings. In this as in other scientific ventures we must proceed by the well-known rule of trial and error. President Hoover has made it clear in his tariff statement that "if by any chance the flexible provision made should prove insufficient for effective action I shall ask for further authority for the commission, for I believe that public opinion will give wholehearted support to the carrying out of such a program on a generous scale, to the end that we may develop a protective system free from the vices which have characterized every tariff provision in the past."

We have in the new flexible provision a forward-looking measure that has received the warm indorsement of representative business and agricultural bodies everywhere. We may well hope that out of this prolonged period of tariff agitation in Congress and elsewhere there may prove to have issued a new and efficient instrument for the public service.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. KVALE. Mr. Speaker, I ask unanimous consent to proceed for four minutes following the address of the gentleman from Nebraska.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

Mr. LAGUARDIA. Reserving the right to object—and I shall not object—pending the disposition of the Consent Calendar I will ask gentlemen not to make similar requests this morning.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Nebraska is recognized for five minutes.

Mr. HOWARD. Mr. Speaker, my voice is in very bad condition this morning. I will ask the Clerk to be kind enough to read the statement that I have.

The SPEAKER. Without objection, the Clerk will read.

The Clerk read as follows:

Resolution by EDGAR HOWARD, of Nebraska

Whereas admittedly the plight of agriculture, the basic industry of the Republic, is sorrowful in degree to excite the sympathy of good men in every work and walk in life; and

Whereas on two occasions in recent days the President of the United States has officially proclaimed to the people that the goddess of prosperity was so near that the naked eye might discern the harbingers of her approach; and

Whereas quickly following those two glad prophecies by our beloved President came new and more vicious assaults upon the bleeding body of agriculture, driving to still lower levels the price of cotton, corn, wheat, and all other standard products of the farm; and

Whereas seeking to repair the damage done to agriculture by the well-meant prophetic utterances of the President of the United States, and with an eye single to the welfare of agriculture, the great Secretary of the Treasury of the United States donned the robe of prophecy discarded by the President and essayed to undo the vast damage done to agriculture unwittingly by the prophecies of the Chief Executive only to behold his own Joshuatic pronouncement immediately hurling the price of farm products to still lower levels: Therefore be it

Resolved, That the Speaker of the House of Representatives be, and is hereby, earnestly requested to forthwith appear before the President of the United States, and also before the Secretary of the Treasury, and there carry in his most pleading voice the united prayers of the Membership of this House from the farm States that the President and the Secretary of the Treasury may be pleased to refrain from uttering any more prophetic warnings that the bejeweled goddess of prosperity in her ship with silken sails is in the offing.

[Laughter and applause.]

Mr. HOWARD. Mr. Speaker, I yield back considerable time. [Laughter.]

#### RAILROAD MERGERS

Mr. KVALE. Mr. Speaker, I ask unanimous consent that the Clerk may read a brief telegraph and an article from the Wall Street Journal in my time.

The SPEAKER. Without objection, the Clerk will read.

The Clerk read as follows:

MINNEAPOLIS, MINN., June 21, 1930.

Hon. PAUL K. KVALE,

Member of Congress from Minnesota, Washington, D. C.:

Substitute for Couzens resolution considered by House Interstate and Foreign Commerce Committee, which substitute leaders intend calling up under suspension rules Monday next, in our judgment gives employees much less than Couzens resolution, and is betrayal of public interests. Minnesota Legislative Board Brotherhood of Railroad Trainmen respectfully urges you protest substitute and requests you demand passage of Couzens Senate resolutions by House.

G. T. LINDSTEN.

[From the Wall Street Journal, June 17, 1930]

#### SUBSTITUTE RAIL BILL FAVORED—HOUSE INTERSTATE COMMERCE COMMITTEE REPORTS—SENATE'S POSITION VIEWED

WASHINGTON.—House Interstate Commerce Committee favorably reported a substitute for the Couzens resolution, which maintains the status quo in so far as railroad consolidations are concerned.

Resolution, however, would prohibit acquisition of control in any manner of two or more railroads by a holding company, unless approved by Interstate Commerce Commission.

The resolution would in no way prohibit the Northern's merger being consummated, as would the Couzens resolution, which sought to suspend authority of Interstate Commerce Commission over consolidations.

The House resolution lays down specific authority of Interstate Commerce Commission to protect rail employees in cases of mergers.

#### FAVORED BY FULL COMMITTEE

The full committee favorably reported the measure with minor changes almost immediately after it was submitted by the subcommittee which had been studying the measure with the assistance of Interstate Commerce Commissioners for the past several days.

The full committee added a clause which would exclude from the provisions of the resolution any street, suburban, or interurban line not operated as a part of a general steam-railroad system of transportation. Chairman PARKER (Republican, New York) anticipates early action by the House on the substitute measure so that Members can enter a conference with the Senate Members to compromise on the widely different views expressed in the resolutions of the two Houses. There is every indication that the Senate will stand by its own measure, making it more than likely that the entire matter will be left in conference when the present session closes.

The provision which extends the authority of the commission to holding company and investment trust acquisitions of control applies only to the future.

#### INTERSTATE COMMERCE COMMISSION MEMBERS' STAND STATED

The Interstate Commerce Commission members who have appeared before the committee in executive session during the past week or 10 days are said to have given their complete approval to the measure reported by the House committee.

Title of the House resolution reads:

"Joint resolution to define and extend the authority of the Interstate Commerce Commission in approving acquisitions of control and consolidations of carriers by railroad subject to the Interstate commerce act, as amended."

The Senate resolution title was "to suspend the authority of the Interstate Commerce Commission to approve consolidations or unifications of railway properties."



The effect of the House measure is to leave Interstate Commerce Commission authority over consolidation as it exists and to extend it to authority over control by holding and investment trust companies.

Mr. KVALE. While these comments naturally do not take cognizance of the action which I understand has been taken by the committee this morning, they do describe the general situation and indicate why we are mobilizing against any action other than the acceptance by the House, before adjournment, of the original Couzens resolution as passed by the Senate.

Mr. Speaker, I yield back the balance of my time.

#### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate insists upon its amendments to the bill (H. R. 10813) entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BINGHAM, Mr. PHIPPS, Mr. CAPPER, Mr. GLASS, and Mr. KENDRICK to be the conferees on the part of the Senate.

#### ONE HUNDREDTH ANNIVERSARY OF FOUNDING OF MARSHALL, MICH.

Mr. HOOPER. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOOPER. Mr. Speaker, on July 3, 4, and 5 of this year the city of Marshall, Mich., the county seat of Calhoun County, will celebrate the one hundredth anniversary of the city. This city has played an important and influential part in the progress of Michigan, and I feel that the event is one of sufficient importance to justify me in mentioning it here to-day.

A pioneer of Michigan, Mr. E. Lakin Brown, says in his reminiscences of a journey from Vermont to the Territory of Michigan in 1830:

At Marshall we stopped at a cabin and got our dinner. The workman and family had just dined, and were going out to start for the first time a new sawmill, so we saw the mill cut the first log. I do not remember any other building, big or little, at Marshall.

In the hundred years since, Marshall has become a beautiful city of over 5,000 inhabitants. In that time it gave to Michigan, through the efforts of one of its pioneers, the great public-school system which is our State's greatest pride. It has given to the Nation men eminent on the bench, at the bar, and in all walks of life. Its people are progressive; it is well governed and law-abiding; it is prosperous and happy. It is a typical midwestern, and therefore a typical American, city.

A hundred years is a long time in the annals of the Middle West. Marshall starts its second centenary old in comparison with the lives of men but young and ambitious for the duties and rewards of the century to come. May the new century surpass the old in its harvest of the better and finer things of life.

#### BUREAU OF NARCOTICS

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 367) to amend the act entitled "An act to create in the Treasury Department a Bureau of Narcotics, and for other purposes," approved June 14, 1930, reported unanimously from the Committee on Ways and Means. This is an emergency matter.

The Clerk read the joint resolution, as follows:

*Resolved, etc.,* That subsection (b) of section 2 of the act entitled "An act to create in the Treasury Department a Bureau of Narcotics, and for other purposes," approved June 14, 1930, is amended by striking out the word "specific" and inserting in lieu thereof the word "specified."

SEC. 2. Section 9 of such act of June 14, 1930, is amended to read as follows:

"SEC. 9. This act shall take effect on July 1, 1930."

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

#### THE RELATION OF RURAL PROSPERITY TO URBAN PROSPERITY

Mr. MANLOVE. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the RECORD a speech made by Dr. W. J. Spillman, principal agricultural economist for the United States Department of Agriculture.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. MANLOVE. Mr. Speaker, under leave to extend my remarks by inserting in the RECORD an address recently delivered by Dr. W. J. Spillman, principal economist, United States Department of Agriculture, before the State Convention of Commercial Secretaries, in my home city of Joplin, Mo., I take pleasure in saying that Doctor Spillman is a native son of our Land of a Million Smiles in southwest Missouri, and that we are justly proud of him and the splendid record he has established.

Doctor Spillman spoke as follows:

One of the best illustrations of the dependence of the city on the country is found in the history of the Roman Empire. During the early part of the Empire the Government financed itself by exploiting conquered provinces, but this method of raising finances came to an end when the provinces were exhausted and there were no new regions worth exploiting. It then became necessary to raise the expenses of a large governmental organization by taxes. The major portion of the taxes fell on the land for that is the kind of property that can not be concealed.

For hundreds of years before this, Roman farmers had successfully maintained the fertility of their soil. They did this by letting the land rest every third year and by growing a legume crop once in every three years. The legumes were largely fed to livestock and the manure was carefully conserved. But when taxes became very heavy, Roman farmers were compelled to grow cash crops in order to meet their taxes. Immediately the fertility of the land began to disappear. Finally it got to the point where Roman farmers could no longer make a living. They flocked to Rome by the thousands, where they constituted a dangerous mob. The Roman Government imported grain from the Nile Valley to feed them. The government itself finally became financially embarrassed and was unable to meet the invasion of the northern barbarians, who finally wrecked the Roman Government.

We have seen another instance nearer home in recent years. New England was formerly a well-developed agricultural country. The factory system there grew up and took the boys away from the farm. When the older men could no longer carry on, thousands of farms were abandoned. It soon became necessary for New England to import a very considerable proportion of its food. As a result, the factories of New England have had to pay very high wages and many of them are moving to the South and West, merely because New England neglected her agriculture.

It needs no vivid imagination for you to picture what would happen to the cities, towns, and villages of Missouri if the farmers in the surrounding districts were to abandon their farms.

There is one important development in agriculture in recent years that has very materially affected particularly rural towns and villages. Let us stop and think a minute. What is a rural town for? It exists as a market place for local agricultural products and as a source of supply for machinery, clothing, and other requirements of the surrounding rural population. The development to which I refer is the introduction of large labor-saving machinery in agriculture. With the old 2-horse implements a farmer might till 40 to 60 acres of land. Now with a large tractor or with an 8 or 10 horse team he can till three or four times as large an area, and do it easily. This means that fewer people are required to operate the farm. Those who would under the old system now be engaged in farming have gone to the city and are working in urban industries. This decrease in rural population has greatly reduced the amount of business done by rural towns and villages. This movement is noticeable all over the country, but is especially striking in sections where the small grains are the principal crops because crops of this class lend themselves best to machine farming.

I do not need to tell you that since 1920 farmers in Missouri have not been very prosperous. The reason is not far to seek. The high prices that prevailed during the war, together with the patriotic impulses of our people led to a great extension of the acreage of wheat and cotton. Much of the increase was on former range land not adapted to other crops.

While the acreage of wheat has decreased considerably since the war, it is still enormously larger than it was before the war, and more wheat land as well as more cotton land is coming into cultivation in the plains region. For this reason we now have a very large acreage of both wheat and cotton and we have nothing else we can substitute for them.

In the case of the feed crops—corn, oats, and hay—we had the acreage of them fairly well adjusted before the war, but about 1918 mechanical power began to be substituted for horse power not only in the cities but also on the farm. It is assumed that about 9,000,000 horses in all have been replaced by gas engines. These gas engines do not consume corn, oats, or hay. For this reason we now have a surplus of these three crops.



The five crops mentioned above—wheat, cotton, corn, oats, and hay—together occupy 88 per cent of our total crop acreage. In more than half of the counties of the United States these crops are the basis of agriculture. We have a surplus of them and nothing that we can substitute for them; hence, farmers can not contract their acreage sufficiently to adjust their production to the market demand for them.

All other crops grown in this country occupy only 12 per cent of our acreage. Farmers do attempt to adjust the acreage of all these other crops to market demand. The reason why they can do this is seen in the following comparison. We grow about three and three-quarter million acres of potatoes. A 10 per cent reduction in this acreage may double or treble the price of potatoes. But if the land thus set free is planted in corn it makes an increase of only one-third of 1 per cent of the corn acreage, and this has a negligible effect on the price of corn.

The trouble has been in the past that farmers expanded or contracted the acreage of these minor crops at the wrong time. What has been needed is information in the hands of every grower that will enable him at planting time to know whether he is helping to overplant or underplant each of these minor crops. To meet this situation about six years ago the Department of Agriculture began to issue what is known as the Outlook Report. They obtained from a large number of correspondents the acreage they intend to plant of all the leading farm crops, also their intentions with regard to the production of animal products for the coming year. On the basis of this and other information the department issues a report indicating what the prospects are for each crop and each livestock product every year. These reports are issued the latter part of January. Any farmer by heeding the information contained in the Outlook Report is able to know when and how much to increase or decrease his production of any of these products other than the five major crops mentioned above.

In the main, farmers have been heeding the Outlook Report much to their advantage, but they have not yet all become convinced that it is to their interest to use the information these reports contain. We hope in time they will do so.

You, of course, are interested in the crops and livestock that are adapted to Missouri conditions. You grow corn in some sections, wheat, oats, hay, apples, and berries in some parts of the State; beef cattle and hogs are prominent in the farming. But there is a wide strip of country extending from the Flint Hills of Kansas eastward to the Atlantic coast lying north of the Cotton Belt and south of the central Corn Belt in which dairying is developing rapidly and where it bids fair to become the leading industry. I think this development is a wise one and hope that you will encourage your farmers in their efforts to develop dairying. In those sections that are adapted to beef cattle and hogs, and that means where there is an abundance of corn, I would not advise farmers to become dairymen. But in sections that are deficit corn-producing sections, dairying is a logical industry. The production of eggs and poultry is another good industry, particularly for the region that is not adapted to beef cattle and hogs.

All I can say about your fruit industry here is that you have a good country for fruits. Here in southwest Missouri is one of the most important strawberry-producing sections of the entire country, but fruit farming is more or less speculative. When everyone has a good crop prices are too low for profit. Big profits are made only in sections which happen to have a good crop of fruit when other sections do not. In the case of a fruit like strawberries, its proper place on the farm is a small acreage that can be tended by the farm family. Such an acreage does not produce bankruptcy when prices are low or when the crop is a failure but does produce considerable income when crops and prices are good, which they are occasionally.

#### WORLD WAR VETERANS' BILL

Mr. BROWNING. Mr. Speaker, I ask unanimous consent to extend my remarks on the pending veterans' legislation.

The SPEAKER. Is there objection?

There was no objection.

Mr. BROWNING. Mr. Speaker, the World War veterans of the Nation resent the impasse now impending as to their relief bill, and I am not willing to adjourn this session until there is final disposition of it. The press to-day carries a statement from the President announcing in effect that a veto awaits its passage.

The principal ground he assigns for his contemplated action is a resulting deficit in the Treasury. This is the same argument used by Secretary Mellon when he tried to defeat the adjusted compensation measure in 1924, when the estimate of Treasury receipts given by him was short of collections far over a billion dollars. Based on this experience, the Congress will not take too seriously his alarm.

We were assured by the President early in the session that ample funds would be available to meet every governmental obligation if we would vote to refund \$160,000,000 to the large taxpayers of the country, largely funds already charged to the consuming public and collected. He was then making a des-

perate effort to bolster up the stock market. Surely he had notice then of the many thousands of sick men needing and deserving aid.

There has been no trouble in getting his approval of lavish expenditures on parks and Government buildings, since it became apparent the Congress would materially increase these benefits at this session.

There seems to be perfect concord between the President and his Secretary of the Treasury over refunds to corporations of millions collected as excess profits during the World War. The slogan was, "Fight or pay." Since 1922 Mr. Mellon has given back \$2,800,000,000 in this way, 83 per cent of it being excess profits made on war operations. Now the service men are being forced to help pay back to war profiteers these astounding refunds and rebates. The Secretary refused to settle these claims in accordance with precedents of the Court of Claims. If he had, or had submitted them to said court, the Government would have saved some \$700,000,000.

No wonder the President is averse to extending benefits to sick men. He can better use the money in allowing Secretary Mellon a free hand to disburse huge sums in this manner. These gifts are still in the process of distribution, and claims for over a billion dollars are yet to be considered by the Secretary, without the intervention of a court or any fact-finding tribunal. Only the big claims are considered. Let no small claimant take courage. Unless the amount overpaid is many thousands of dollars it is out of date. I was forced to pay \$4.50 income tax on my Army salary for 1917, which was exempt under the law. The Treasury holds the statute of limitations has long since run against its refund. Not so those who were called on to pay instead of fight. I am now asked to help pay them back their war excess profits. And I am further admonished by the President not to vote to increase benefits to my sick buddies because there may not be current funds in the Treasury to pay it, after the Secretary gets through distributing favors.

To be sure there is honest difference of opinion as to permanent policy, but this does not justify Congress in waiving its convictions and leaving Washington without taking adequate care of those for whom a delay will be final. I am not going to be terrorized by this old Mellon trick of crying deficit.

#### LASSEN VOLCANIC NATIONAL PARK

The SPEAKER. This is Consent Calendar day. The Clerk will call the Consent Calendar, beginning with the star.

The first business on the Consent Calendar was the bill (H. R. 10582) to provide for the addition of certain lands in the Lassen Volcanic National Park in the State of California.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, will the author of the bill make some explanation as to the purpose of this bill?

Mr. CRAMTON. Mr. Speaker, the author of the bill is not on the floor at the present moment. I am not thoroughly advised as to the bill but, as I understand, the principal purpose is to add certain lands necessary for the proper administration of the park, particularly with reference to road construction, so that a road may be included in the park area.

Mr. STAFFORD. I now recall the facts in the case. It has been some weeks since I examined the case, but the gentleman having mentioned the road, brings back to my mind the status of the situation.

In a bill later on the calendar I notice the present Secretary of the Interior recommended deferring action, awaiting a report of the committee on the conservation of public lands. In that case it provided for taking into the area of the public forests, privately owned land and exchanging those privately owned lands in lieu of publicly owned lands.

Mr. CRAMTON. Of course that is quite a different proposition from the one involved here.

Mr. LEAVITT. I recall this case in the committee, and it involves only a small area necessary to the proper construction of the road.

Mr. STAFFORD. Some 5,160 acres. The gentleman, used to dealing with millions of acres, regards 5,000 acres as a small acreage.

Mr. LEAVITT. As part of a national park; yes.

Mr. STAFFORD. The gentleman coming from one of the largest States of the Union, naturally views things with the broad vision of the westerner, whereas we, coming from the confines of municipalities, consider 5,000 acres rather large.

Mr. Speaker, in view of the special circumstances, that this is largely for road purposes, I think the position of the Secre-



tary of the Interior would not be contravening to this proposal, and therefore I withdraw the reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the President of the United States is hereby authorized, upon the joint recommendation of the Secretaries of the Interior and of Agriculture, to add to the Lassen Volcanic National Park, in the State of California, by Executive proclamation, any or all of the lands within sections 3 and 4, township 29 north, range 6 east; and sections 29, 30, 31, 32, 33, 34, 35, and 36, township 30 north, range 6 east, Mount Diablo meridian, not now included within the boundaries of the park.

Sec. 2. That the provisions of the act of June 10, 1920, known as the Federal water power act, shall not apply to any lands added to the Lassen Volcanic National Park under the authority of this act.

With the following committee amendments:

Page 2, line 1, after the word "park," insert a colon and the following proviso: "Provided, That no privately owned lands shall be added to the park prior to the vesting in the United States of title thereto."

Page 2, after line 7, insert a new section, known as section 3, to read as follows:

"Sec. 3. That nothing herein contained shall affect any vested and accrued rights of ownership of lands or any valid existing claim, location, or entry existing under the land laws of the United States at the date of passage of this act, whether for homestead, mineral, rights of way, or any other purposes whatsoever, or any water rights and/or rights of way connected therewith, including reservoirs, conduits, and ditches, as may be recognized by local customs, laws, and decisions of courts, or shall affect the right of any such owner, claimant, locator, or entryman to the full use and enjoyment of his land."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

#### INDIAN COLONY NEAR ELY, NEV.

The next business on the Consent Calendar was the bill (S. 134) authorizing an appropriation for the purchase of land for the Indian colony near Ely, Nev., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JENKINS. Reserving the right to object—

Mr. LAGUARDIA. Reserving the right to object.

Mr. JENKINS. I would like to ask of the distinguished chairman of the Committee on Indian Affairs a question. I notice that this bill only provides for the care of a very few Indian families. How far is it the policy of the Government to provide plots of land for Indians? Why do they not move them to an Indian reservation.

Mr. LEAVITT. Of course, these Indians constitute a very small group, but they have never had any allotment of lands or any assignment to any definite Indian reservation. They have become practically self-supporting through working in the vicinity of this community. If they should be removed to an Indian reservation, they will be taken away from that opportunity of their self-support. The Government considers it is better to give them this opportunity to establish homes in this locality than to move them away and put them among Indians entirely.

Mr. JENKINS. Is it possible that they have reached such a state that they are self-dependent and they could make their own way?

Mr. LEAVITT. They are self-dependent to the extent that they work and earn enough money, so the Government does not have to pay anything for their support, but not to the extent of being able to supply their own homes. They have been living practically on property through the sufferance of owners of such property adjoining this little town. This bill will make it possible to give them homes, water development, and sanitation, and things like that, and encourage them to be self-supporting.

Mr. JENKINS. Does the gentleman not think this would be establishing a precedent, or is this a precedent?

Mr. LEAVITT. Oh, this is not the first time this has been done. It has been done in several other instances of similar character.

Mr. STAFFORD. Only last week a similar bill was passed which involved a much larger appropriation, some \$60,000, for the transfer of lands where Indians were living to another site.

Mr. LEAVITT. That is true.

Mr. LAGUARDIA. I understand this camp is to be connected with the waterworks of the city of Ely?

Mr. LEAVITT. Yes.

Mr. LAGUARDIA. Will the Government pay for the water, or will that be supplied to them free of charge by the city of Ely, Nev.?

Mr. LEAVITT. I presume the Indians will have to pay any water rental. There is no provision in the bill to do anything except connect it up, and in the past they have not been furnished with water.

Mr. LAGUARDIA. This land is not agricultural land at \$10 an acre, is it?

Mr. LEAVITT. No. It is simply an area that is close to the town of Ely, Nev., to which the Indians can be moved. They can have gardens there, and in that way help to support themselves.

Mr. LAGUARDIA. Where will the children go to school?

Mr. LEAVITT. They will go to school in the town. They will have access to the public school. That is one reason why this will benefit this particular group of Indians.

Mr. JENKINS. Can the gentleman state what proportion of the Indians in the United States are self-supporting, in proportion to those on reservations?

Mr. LEAVITT. No; but it is a very small per cent.

Mr. JENKINS. Mr. Speaker, I withdraw the reservation.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That there is hereby authorized to be appropriated the sum of \$1,000 for the purchase of 10 acres of land now occupied as a camp by the Indian colony near the city of Ely, Nev., and \$600 to connect the camp with the city water service by the purchase and installation of pipe and hydrants and the erection of a standpipe, with necessary protective structure, the title to be held in the name of the United States Government, for the use of the Indians.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

#### YAKIMA INDIAN FOREST

The next business on the Consent Calendar was the bill (H. R. 8529) to provide for the establishment of the Yakima Indian Forest.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, is this council of Indians, whose names appear on page 3 of the report, made up of Indians?

Mr. LEAVITT. Oh, yes.

Mr. LAGUARDIA. Spencer, McCluskey, Charley, and Abraham.

Mr. LEAVITT. It is very common for the Indians on many reservations to bear the names of white people. Some of them are partly white.

Mr. LAGUARDIA. But the council is composed of Indians?

Mr. LEAVITT. Oh, yes; they are regularly constituted as the council and they are of Indian blood.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, the proviso in the committee amendment, section 3, does not seem to me to be a wise one. I think it is very desirable that the department consult with the Indians and with their council, but for us to legislate that no regulations can be effective until approved by them raises a question as to why we should be assuming to act as guardians for them anyway. I am wondering if the gentleman would be willing to accept an amendment to the committee amendment dropping out that power.

Mr. LEAVITT. Of course, I would accept it rather than lose the bill, but the purpose the committee had in mind was that such a provision would require that the Indians be continually informed, and that they have a part in the making of the rules and regulations pertaining to their own property. In that way we might help them develop toward the time when we hope they will be able to care for their own property.

Mr. CRAMTON. But it gives the veto power to them even after the forest is established, which does not seem desirable, although it is certainly desirable that they be consulted.

Mr. LEAVITT. Would it not be satisfactory to the gentleman to require that these rules and regulations be not put into effect until the Yakima Tribe in council had been consulted in regard thereto?

Mr. CRAMTON. Any language that would require them to be consulted, without giving them the final decision, I would not object to, and if the gentleman is agreeable, by the time we reach that stage we can probably have such an amendment in shape.



Mr. STAFFORD. Mr. Speaker, I wish to direct attention to an amendment in terminology, and to suggest that it is not customary to spread out the language as contained in lines 9 and 10, "two hundred and twenty-seventh United States, page 335," but rather to merely insert the figures "227 United States Reports, page 335."

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That all lands of the Yakima Indian Reservation in the State of Washington classified as timberlands under authority of the act of December 21, 1904 (33 Stats. L., p. 595), and all unallotted and unallotted lands confirmed to the Yakima Indians by the decision of February 24, 1913, by the Supreme Court of the United States (227 U. S., p. 335) be, and are hereby, designated as constituting the Yakima Indian Forest, and the Secretary of the Interior is authorized and directed to administer such timberlands under conservative forest management.

The net proceeds derived from sales of timber and other income from the forest area shall be deposited in the Treasury of the United States to the credit of the Indians of the Yakima Reservation and draw interest at the rate of 4 per cent per annum.

With the following committee amendments:

On page 2, line 3, after the word "management," insert a colon and the following proviso:

"Provided, That in the use of forest and range and for employment in forest and grazing activities members of the Yakima Tribe shall be given preference."

The committee amendment was agreed to.

Page 2, after line 11, insert a new section, to be known as section 3, as follows:

"SEC. 3. The Secretary of the Interior is hereby authorized to make such rules and regulations as he may deem necessary to carry out the purposes of this act: *Provided*, That the rules and regulations, with regard to leases and sales with respect to any resources within the forest hereby created shall not be put into effect until approved by the Yakima Tribe in council."

Mr. CRAMTON. Mr. Speaker, I offer an amendment as a substitute for the committee amendment, section 3.

The SPEAKER. The gentleman from Michigan offers an amendment as a substitute for the committee amendment, section 3, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: On page 2, beginning in line 12, strike out the remainder of the bill and insert:

"SEC. 3. The Secretary of the Interior is hereby authorized to make such rules and regulations as he may deem necessary to carry out the purposes of this act: *Provided*, That before the rules and regulations with regard to leases and sales with respect to any resources within the forest hereby created are put into effect the Yakima Tribe in council shall be consulted."

The amendment was agreed to.

The committee amendment as amended was agreed to.

Mr. STAFFORD. Mr. Speaker, I offer an amendment. Page 1, lines 9 and 10, strike out the language in brackets "Two hundred and twenty-seventh United States, page 335" and insert "227 United States Reports, page 335."

Mr. LAGUARDIA. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. LAGUARDIA. Has the gentleman looked up that citation?

Mr. STAFFORD. I am merely taking it as it appears in the bill.

Mr. LAGUARDIA. I could not even find it in the reports.

Mr. STAFFORD. I am assuming the citation is the correct citation.

Mr. LAGUARDIA. It is improperly cited and the gentleman is right.

Mr. STAFFORD. I am merely putting it in the customary form, "227 United States Reports, page 335." That is the customary form rather than stretching it out in words.

The SPEAKER. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: On page 1, lines 9 and 10, strike out "(Two hundred and twenty-seventh United States, page 335)" and insert "(227 United States Reports, page 335)."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10813) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such district, for the fiscal year ending June 30, 1931, and for other purposes, further insist on the House disagreement to the Senate amendments, and agree to the further conference asked by the Senate.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, which, of course, I shall not do, there is a good deal of talk about a deadlock on this important measure. The House has had a roll call, after debate, upon the principal matter in dispute, and by a vote of nearly 20 to 1 has indorsed the position of the House conferees. As yet there has been no record vote upon this matter in the Senate. There has been no vote of any kind taken, after debate, in the Senate. Now, before it can fairly be said that the two Houses have deadlocked, or that the two Houses have firmly taken positions opposed to each other, there should be a record vote in the Senate, taken after debate, so that the House can know what is the attitude not only of the conferees but what is the attitude of the Senate and every Member of the Senate, and I express the hope, as one Member of the House, that the House conferees will not be in any hurry about any compromise under such conditions.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. SIMMONS, HOLADAY, THATCHER, CANNON, and COLLINS.

#### MONEY ORDERS

The next business on the Consent Calendar was the bill (H. R. 8568) to compensate the Post Office Department for the extra work caused by the payment of money orders at offices other than those on which the orders are drawn.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, if the gentleman desires to have this bill passed over without prejudice, I shall not object; otherwise I object.

Mr. FOSS. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

Mr. COLLINS. Mr. Speaker, if the gentleman will yield, there is a bill pending in the gentleman's committee introduced for the benefit of Members of the Congress. It provides for the sending through the mails under frank the Members' office files when the Members go to their homes. We have packing trunks provided for this purpose, but the Post Office Department has ruled that we can not use them for this purpose, that only public documents can be sent in these packing boxes.

Mr. LAGUARDIA. Has the gentleman had any trouble about sending his files home?

Mr. COLLINS. No; and I believed that I had the lawful right to use my frank for this purpose, but the Post Office Department advises that I have not. The bill referred to has received a favorable report from a subcommittee of the Post Office Committee, but the full committee has not met to consider it and probably will not. It must pass real soon, otherwise Members will be required to pay postage on office files sent to their respective homes, and those files are just as essential to a proper discharge of their duties when Members are at home as they are in Washington.

Mr. EATON of Colorado. If the gentleman will permit, what has that to do with the bill H. R. 8568?

Mr. COLLINS. Nothing at all. I make this statement in the hope that the Post Office Committee that reported out this bill will also report out the other bill so we can transport our office files home. There will be no added cost to the Government, for we can transport them free now if they are put in very small letter-size packages.

Mr. GREENWOOD. Mr. Speaker, reserving the right to object, I objected to this bill before unless there was a limitation put upon the fee of 10 cents.

Mr. LAGUARDIA. We are going to object to it, I will say to the gentleman. The gentleman has just asked that it go over without prejudice.

Mr. GREENWOOD. Of course, if the gentleman asks that it go over, my remarks are not apropos.

Mr. LAGUARDIA. We will let it go over and kill it the next time.

Mr. FOSS. I ask unanimous consent that the bill may be passed over without prejudice, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.



# ESTABLISHMENT OF PASSPORT BUREAUS AT PORTLAND, OREG., AND LOS ANGELES, CALIF.

The next business on the Consent Calendar was the joint resolution (H. J. Res. 235) authorizing an annual appropriation for the expense of establishing and maintaining a United States passport bureau at Portland, Oreg.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA, Mr. STAFFORD, and Mr. GREENWOOD objected.

Mr. CRAIL. Mr. Speaker, if the gentlemen will kindly withhold their objections until I have had an opportunity to be heard I will appreciate it. If there is any one place in the United States where there should be a passport bureau it is Los Angeles, Calif. Los Angeles is the farthest from Washington of the cities that do not have a passport bureau now, and Los Angeles has grown to be one of the large cities of our country. In fact, it is the fifth largest city of the country, with a population of approximately a million and a quarter people according to the 1930 census. The appropriation that is asked for in this bill is inconsequential compared to the money collected for passports because the fees that were actually collected in Los Angeles for passports alone amounted to nearly \$55,000 for the year 1929.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. CRAIL. Yes.

Mr. LAGUARDIA. Of course, the gentleman knows that applications for passports are simply received at a passport bureau and transmitted to Washington. These applications can be received by the clerk of a State court, in which case he retains the \$1 for the application, or by a clerk of the Federal court. In the case of an emergency passport, the application is then sent by this clerk to the San Francisco office. So it is really not a matter of such great urgency.

Mr. CRAIL. In reply to the gentleman let me say, if what he contends were true there could be no objection whatever to establishing a passport bureau at Los Angeles because we already have now the service that the gentleman says we could obtain by a passport bureau. The facts are that a passport bureau has authority to actually execute and deliver passports in cases of emergency.

Mr. LAGUARDIA. In case of emergency?

Mr. CRAIL. The passport offices suggested by the gentleman from New York do not have that authority.

Take the east coast, I am informed that the cities of Boston, New York, Philadelphia, and Washington all have passport bureaus, and if they have no more authority than passport offices have, as suggested by the gentleman from New York, there would be no occasion for them. Instead of passport bureaus these cities would have passport offices, such as Los Angeles has now.

Mr. LAGUARDIA. How many passports are issued at San Francisco?

Mr. CRAIL. In 1929 there were 7,877 passport applications for all of California. Of these, 5,394 originated in Los Angeles County. San Francisco is 500 miles from Los Angeles. Los Angeles is now a large city in its own right and does a large shipping business. More than two-thirds of the passport business of the State of California originates in Los Angeles County. Why should we have to go to San Francisco to get passports under these circumstances?

Mr. LAGUARDIA. If it were the policy of the State Department to establish passport bureaus in every city, the gentleman from Texas is ready to put in an amendment for Galveston. No city seems to be complaining except Los Angeles.

Mr. CRAIL. Portland is also asking for a passport bureau.

Mr. STAFFORD. There is no bureau at Portland.

Mr. CRAIL. No; the gentleman from New York says that Portland is not complaining.

Mr. STAFFORD. Portland is within a short distance of Seattle, where they have a bureau. Originally passports were only issued from Washington. Then they were established in New York and one at San Francisco, for the convenience of people who took the steamers in a hurry.

Mr. CRAIL. What harm does it do to provide a passport bureau in a large center of population doing a large marine and export business?

Mr. LAGUARDIA. Except that it establishes more officers.

Mr. CRAIL. Last year \$55,000 was collected in Los Angeles County for passports, and Los Angeles Harbor is one of the passenger ports of the world.

Mr. GREENWOOD. Let me say that my objection to the establishment of these two passport bureaus, one at Los Angeles and one at Portland, is that it would make the number of offices out of all proportion to the balance of the United States. Many States and cities do not have them. Here is the State of Cali-

fornia with one in San Francisco and one for the northern section of the Pacific coast. That gives them two out of the six or seven in all the United States. To give them these two would make four—out of all proportion. Admitting that there is some reason for one at Los Angeles, there ought not to be one at Portland in connection with this bill. If the gentleman wants Los Angeles considered on its own merits, divorce it from Portland.

The SPEAKER. The Chair thinks it is his duty to limit debate after objection has been made. The gentleman can ask unanimous consent.

Mr. CRAIL. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CRAIL. Mr. Speaker, I hope my friends who have been threatening to object to this bill have been to the Pacific coast. California is a large State, with a coast line of about 1,200 miles. The way some of my colleagues talk to me it seems as if they thought it was only a good run and jump from Los Angeles to San Francisco or from Portland to Seattle. It is 500 miles from Los Angeles to San Francisco. It is as far from Portland to Seattle. To get a passport to sail westward it takes a lot of time, and it is very inconvenient to get them from Washington. In cases of emergency it is not only most inconvenient but it is costly, besides the great loss of time.

Mr. STAFFORD. How many steamers leave Portland?

Mr. CRAIL. I wish my colleague from Portland were here, but I know that Portland is one of the good harbors of our country.

Mr. STAFFORD. It is a river harbor.

Mr. CRAIL. Yes.

Mr. STAFFORD. There are no ocean-going passenger steamers sailing from there.

Mr. CRAIL. Oh, yes.

Mr. COLE. Yes; there are.

Mr. STAFFORD. Ocean steamers leave San Francisco and Seattle.

Mr. JOHNSON of Washington. And Portland and Grays Harbor.

Mr. STAFFORD. Portland also?

Mr. JOHNSON of Washington. Yes.

Mr. CRAIL. My friend from Wisconsin does not include Los Angeles among the ports of ocean-bound passenger steamers. There is no port in the United States that has the intercoastal tonnage that the city of Los Angeles now has; not even New York. Ocean-bound steamships with passengers aboard leave Los Angeles for almost every port in the world.

Mr. LAGUARDIA. Oh, you do not need passports for intercoastal travel.

Mr. CRAIL. Which proves that it is a world port, because 5,394 passports were issued to applicants from Los Angeles County last year. Passenger-carrying steamships enter Los Angeles Harbor from all over the world and take passengers with them.

Mr. STAFFORD. There is just as much argument for having a passport bureau in an interior place.

Mr. CRAIL. We are not deciding against any interior place. If they want to present their arguments to the committee, let them do it. This bill has been favorably reported by the unanimous vote of the Committee on Foreign Affairs.

The SPEAKER. The time of the gentleman from California has expired.

Mr. CRAIL. Mr. Speaker, I would like to know if there are any objectors, and I would like to see who the three objectors are.

The SPEAKER. The Chair noted three objectors.

## ADDITIONAL JUDGE, EASTERN DISTRICT OF NEW YORK

The next business on the Consent Calendar was the bill (H. R. 12059) to provide for the appointment of an additional judge of the District Court of the United States for the Eastern District of New York.

The SPEAKER. Is there objection?

Mr. BOYLAN. Mr. Speaker, I object.

## TO CREATE ADDITIONAL JUDICIAL DISTRICT IN KENTUCKY

The next business on the Consent Calendar was the bill (H. R. 5624) to amend section 83 of the Judicial Code, as amended.

The SPEAKER. Is there objection?

Mr. THATCHER and Mr. GREGORY objected.

## CHRISTOPHER COLUMBUS MEMORIAL LIGHTHOUSE

The next business on the Consent Calendar was a joint resolution (H. J. Res. 255) authorizing the appropriation of the sum of \$871,655 as the contribution of the United States toward



the Christopher Columbus Memorial Lighthouse at Santo Domingo.

The SPEAKER. Is there objection?

Mr. JENKINS. Reserving the right to object, what other countries are included with the United States in making up this sum?

Mr. LAGUARDIA. All of the South American Republics.

Mr. TEMPLE. The movement originated at the Fifth International Pan American Conference, at which a resolution was passed providing for the construction of a memorial lighthouse at this place. On January 22, 1927, the Congress of the United States took cognizance of the action of the Pan American conference, and passed a resolution in the following words:

*Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the United States approves the international project advocated at the Pan American conference, held at Santiago de Chile, April, 1924, to erect a memorial lighthouse at Santo Domingo, Dominican Republic, to Christopher Columbus, and that the several States participating in that conference be notified through the usual diplomatic channels of the desire of the people of the United States to participate in this movement to honor the memory of the great navigator and discoverer.*

Following the action of Congress which requested the President to notify the other Republics of the Pan American conference that we desired to participate in that, notice was sent out through the ordinary diplomatic channel and we are to that extent committed to the project.

Mr. JENKINS. While we are not legally responsible, we are morally responsible to come forward with our share.

Mr. TEMPLE. Congress asked the President to notify the South and Central American countries that we wished to participate in it. He did so. The Secretary of State of the United States was the chairman of the joint committee that drew up the plan by which the money was to be raised, apportioning \$1,500,000 among the various States, to be divided among them according to population, as the expenses of the Pan American conference are apportioned, and our proportion is the amount stated in the joint resolution.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, we hear much in these closing days of the need for economy. The question is going to arise very shortly whether we will be compelled to withhold perhaps deserved payments to World War veterans on account of the objection of the Treasury that if we do, we may be obliged to raise income taxes again. For my part, I would be willing to increase the income taxes in the higher brackets for that purpose. I do not think there is any exigent reason why we should commit ourselves to the expenditure of \$870,000 for a memorial lighthouse in the Caribbean.

Mr. LAGUARDIA. Whether we do it to-day, we will have to do it some other day. We are committed to it.

Mr. STAFFORD. Will the gentleman agree to have this passed over without prejudice?

Mr. LAGUARDIA. No. It will take three objections the next time.

Mr. STAFFORD. I think it should be passed over, waiting the result of our action on the war veterans' proposition.

Mr. LAGUARDIA. This Congress did not hesitate to donate \$50,000 for a memorial in Iceland for Ericsson.

Mr. STAFFORD. Oh, the gentleman is in error as to the amount. We did not hesitate the other day to vote \$11,000,000 for a new Post Office Department building, which is not needed, of \$3,000,000 for changing the façade of the State, War, and Navy Building. We are spending millions and millions of dollars, and where are we going to stop? Here is a good place to begin now until the finances of the Treasury are in better shape.

Mr. GREENWOOD. I would like to know whether there has been any commitment or negotiations on the part of the United States or any of the Governments of the Pan American Union whereby some action has been taken that would commit us to this expenditure. If there is, I think our Government should do its part, but if there are no commitment or negotiations then I would agree with the gentleman from Wisconsin.

Mr. TEMPLE. At the request of a concurrent resolution passed by both House of Congress the President notified the other members of the Pan American conference through the ordinary diplomatic channels that we wished to participate in this matter. The Santo Domingo Republic has appropriated \$300,000. The site has been in part secured. This bill provides that nothing be paid until the whole park has been dedicated in perpetuity for this purpose by the Dominican Republic. This is an authorization and not an appropriation, and it seems to me that we are committed to it by our action of 1927.

Mr. STAFFORD. Mr. Speaker, for the time being I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

Mr. TEMPLE. I object.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. I object.

#### INTERSTATE TRANSPORTATION OF BLACK BASS, ETC.

The next business on the Consent Calendar was the bill (S. 941) to amend the act entitled "An act to regulate interstate transportation of black bass, and for other purposes," approved May 20, 1926.

The title of the bill was read.

The SPEAKER pro tempore (Mr. RAMSEYER). Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, is there anyone here who is interested in angling for black bass?

Mr. STAFFORD. There are plenty of anglers about, angling for votes. [Laughter.]

Mr. NELSON of Maine. This measure is designed to render enforceable the Hawes Black Bass Act, passed in 1926. The original act was not broad enough to make enforcement practicable, and machinery of enforcement was entirely lacking. There is a very general public interest in this bill, especially among the 100,000 members of the Izaak Walton League and among all persons interested in the conservation of our wild life.

Mr. LAGUARDIA. I call the gentleman's attention and the attention of the gentleman from Wisconsin [Mr. STAFFORD] to page 6, section 6, of the amendment:

Any employee of the Department of Commerce authorized by the Secretary of Commerce to enforce the provisions of this act (1) shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of this act or any regulation made in pursuance of this act, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction.

That provision, to my mind, is too broad.

Mr. STAFFORD. That is another Volstead Act.

Mr. NELSON of Maine. The original Hawes bill was passed in 1926. It was enacted in response to a decided demand for such legislation. The trouble with it is that it supplies no machinery of enforcement such as is provided in this bill. From the time of the passage of the Hawes bill down to the present day there has been no prosecution under it, because there were no enforcement officers provided. Somebody has to be designated to carry out the terms of this bill. We have selected the officials of the department which is most interested in it, officials appointed by the Secretary of Commerce. We are giving to them no more power than the employees of the Immigration Service have where they see an act committed in violation of the law.

Mr. LAGUARDIA. Subdivision (b), on page 7, provides:

All fish delivered for transportation or which have been transported, purchased, received, or which are being transported, in violation of this act or any regulations made pursuant thereto, shall, when found by such employee or by any marshal or deputy marshal, be summarily seized by him and placed in the custody of such persons as the Secretary of Commerce shall by regulations prescribe.

Mr. NELSON of Maine. What is the trouble with that?

Mr. LAGUARDIA. The trouble with that is that an employee of the department may seize fish at any time or place without a warrant and, perhaps, without probable cause.

Mr. NELSON of Maine. That will be done by duly constituted officers of the law.

Mr. LAGUARDIA. Are you to have fish wardens?

Mr. NELSON of Maine. If you want this work done, somebody has to do it, and duly authorized members of the department most interested in the work are to take charge of the enforcement.

Mr. LAGUARDIA. I want to call the attention of the House to the fact that it will soon be so that a citizen will be unable to go out to fish unless he has a lawyer on each side of him. We are passing laws every day providing for summary arrest and searches and seizures—it is time to let up a bit.

Mr. COLLINS. Mr. Speaker, will the gentleman from Maine yield for a question?

Mr. NELSON of Maine. Certainly.

Mr. COLLINS. I think a worse objection than the ones that the gentleman has pointed out is section 5, which gives the Secretary of Commerce the right to make rules and regulations to carry out the provisions of the act. It provides:

The Secretary of Commerce is authorized (1) to make such expenditures, including expenditures for personal services at the seat of government and elsewhere, and for cooperation with local, State, and



Federal authorities, including the issuance of publications, and necessary investigations, as may be necessary to execute the functions imposed upon him by this act and as may be provided for by Congress from time to time; and (2) to make such regulations as he deems necessary to carry out the purposes of this act. Any person violating any such regulation shall be deemed guilty of a violation of this act.

There is no way by which anyone can know what the rules and regulations will be.

Mr. NELSON of Maine. That is done in every State and by the National Government. A large part of our laws empower administrative bodies to make rules and regulations. I think the bill was very carefully drawn, and provisions were incorporated in it similar to those in the Lacey Act, which was enacted to prevent illegal transportation of birds, animals, and parts thereof. It has been in successful operation for 30 years.

Mr. LaGUARDIA. I am familiar with the enforcement of such laws, having served as a deputy attorney general of my State, and I am familiar with the procedure as well as the habits of game wardens.

Mr. NELSON of Maine. When the officer goes out and finds a man in the act of violating the law, he does not need to have a warrant. As a matter of actual practice you can not get a warrant, and then go back and find the violator.

Mr. WARREN. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

#### AMENDMENT OF THE FEDERAL RESERVE ACT

The next business on the Consent Calendar was the bill (S. 4096) to amend section 4 of the Federal reserve act.

The title of the bill was read.

There being no objection to its consideration, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 4 of the Federal reserve act, as amended (U. S. C., title 12, sec. 304), be further amended by striking out that paragraph thereof which reads as follows:

"Any candidate having a majority of all votes cast in the column of first choice shall be declared elected. If no candidate have a majority of all the votes in the first column, then there shall be added together the votes cast by the electors for such candidates in the second column and the votes cast for the several candidates in the first column. If any candidate then have a majority of the electors voting, by adding together the first and section choices, he shall be declared elected. If no candidate have a majority of electors voting when the first and second choices shall have been added, then the votes cast in the third column for other choices shall be added together in like manner, and the candidate then having the highest number of votes shall be declared elected. An immediate report of election shall be declared."

And by inserting in lieu thereof the following:

"Any candidate having a majority of all votes cast in the column of first choice shall be declared elected. If no candidate have a majority of all the votes in the first column, then there shall be added together the votes cast by the electors for such candidates in the second column and the votes cast for the several candidates in the first column. The candidate then having a majority of the electors voting and the highest number of combined votes shall be declared elected. If no candidate have a majority of electors voting and the highest number of votes when the first and second choices shall have been added, then the votes cast in the third column for other choices shall be added together in like manner, and the candidate then having the highest number of votes shall be declared elected. An immediate report of election shall be declared."

The Senate bill was ordered to be read a third time, was read the third time, and passed.

#### GRATUITY TO DEPENDENT RELATIVES OF OFFICERS, ENLISTED MEN, OR NURSES

The next business on the Consent Calendar was the bill (H. R. 7639) to amend an act entitled "An act to authorize payment of six months' death gratuity to dependent relatives of officers, enlisted men, or nurses whose death results from wounds or disease not resulting from their own misconduct," approved May 22, 1928.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA. Mr. Speaker, this bill will take away the right of review by the Comptroller General, and therefore I object.

Mr. STAFFORD. Mr. Speaker, this requires three objections. The Naval Affairs Committee has the call on Wednesday next, and it can be considered then, and therefore I object.

Mr. COLLINS. Mr. Speaker, I object.

#### ADDITIONAL DISTRICT JUDGE, EASTERN DISTRICT OF LOUISIANA

The next business on the Consent Calendar was the bill (H. R. 11622) to provide for the appointment of an additional district judge for the eastern district of Louisiana.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I notice in the report of the Attorney General for the past fiscal year the business of the western district of Louisiana is not in a backward condition.

Mr. BACHMANN. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. BACHMANN. This bill provides for an additional judge for the entire State of Louisiana. It is a misprint on the calendar. If the gentleman will look at the bill, I think it asks for a judge to serve in the State as a whole, in both districts, and not alone in the eastern district.

Mr. STAFFORD. Originally it was introduced for service in the eastern district alone. The committee reported an amendment providing it should apply both to the western and the eastern districts. In the western district of Louisiana I find there were 49 new cases begun in the last fiscal year and 78 were concluded, and at the close of business, in so far as private litigation is concerned, on June 30, 1928, there were 104 cases pending, whereas at the close of business in 1929 there were only 75 cases pending.

In the eastern district conditions are somewhat different. There were 122 cases begun during the year and 124 terminated, with 216 pending at the end of the year.

Mr. GREENWOOD. That makes them nearly two years behind.

Mr. STAFFORD. I would like to have some explanation as to whether the status of the business in the eastern district is such as to require additional services.

Mr. BACHMANN. Will the gentleman yield in that connection?

Mr. STAFFORD. I yield.

Mr. BACHMANN. The gentleman has referred to the report of the Attorney General ending with the fiscal year 1929. He only refers to the business for the fiscal year 1929.

To find out whether it is increasing or decreasing it would be well to consider what business has been transacted in the last four years. If the gentleman will permit, I will try to tell him what that business was in the last four years, which may clarify the situation.

Mr. STAFFORD. I am more concerned about the business in the eastern district, because I am quite certain the business in the western district does not require an additional judge. Every district would require an additional judge if we would take the status of the business in the western district as a basis.

Mr. BACHMANN. The percentage of business done in the western district for the last four years is 78 per cent of the business that has been completed in the State. The great bulk of the business is done in the western district, but if you will notice the eastern district you will find that most of the litigation there is of a criminal nature.

Mr. STAFFORD. I am basing my position on the private litigation rather than on criminal litigation. I do not think it is fair in the determination of the need of additional judges to consider the number of cases pending of a criminal character for this reason: There are many dead cases on the criminal calendar that are carried over from year to year. The defendants have flown and can not be located and the judges simply carry them on the docket. As far as private business is concerned, particularly cases instituted by private parties in admiralty or in general litigation, that should be the basis to follow in determining whether additional judges are required.

Mr. BACHMANN. May I ask the gentleman what he means by "private litigation"? Does the gentleman mean litigation in which private citizens are involved, or does the gentleman mean civil litigation in which both private parties and the Government are involved?

Mr. STAFFORD. I mean litigation begun by private parties.

Mr. BACHMANN. Private and civil litigation.

Mr. STAFFORD. As is included in the report of the Attorney General, known as private litigation, as distinguished from civil cases, including customs, internal-revenue regulations, banking and finances, which do not require much attention.

Mr. BACHMANN. For the year 1929 in the eastern district of Louisiana there were 124 cases in which private litigants were involved and in which the Government was not interested.



There were 383 cases in which the Government was interested of a civil nature, or a total of over 500 cases which would be called civil cases in the eastern district alone during the year 1929.

I may say for the 4-year period the civil and private cases of that district amounted to over 2,200.

Mr. STAFFORD. I assume litigation arising out of navigation pertaining to New Orleans is in the eastern district of Louisiana?

Mr. WILSON. Yes, it is. The city of New Orleans; but 36 of the 64 parishes of the State are in the western district. It is a larger territory.

This judge will have jurisdiction in the eastern and western districts as well.

Mr. STAFFORD. I do not think there is any need, from the showing made here, of any assistance in the western district. I have some doubt as to whether there is any need for an additional judge in the eastern district.

Mr. GREENWOOD. I would like to know whether the court is making any gain upon the docket or whether it is getting further behind?

Mr. BACHMANN. I understand that in the eastern district the court is getting further behind in civil cases, because in the year 1928 they had 188 civil cases and at the end of the fiscal year 1929 the number had increased to 383.

Mr. GREENWOOD. How far behind are they on the docket?

Mr. BACHMANN. They have pending 139 civil cases in the eastern district, and 216 private cases.

Mr. GREENWOOD. How many did they dispose of last year?

Mr. BACHMANN. They terminated in 1929 383 civil cases, 124 private cases, and 974 criminal cases, a total of 1,481 cases in the eastern district alone.

Mr. GREENWOOD. Does that make them more than a year behind on the docket?

Mr. BACHMANN. I would say they are pretty close to a year behind.

Mr. STAFFORD. Did Chief Justice Taft in his report, as found in the report of the Attorney General, recommend an additional district judge in Louisiana?

Mr. BACHMANN. The report of the judicial conference last October did not recommend an additional judge for Louisiana, but I might say to the gentleman for his information that I introduced about 17 bills for additional judges in this country, for this reason:

When the Judiciary Committee was considering the law enforcement program of enlarging the powers of United States commissioners, I went to discuss the matter with the Attorney General, and asked him what his position was with respect to increasing the powers of United States commissioners, and the appointment of additional judges. He told me that even though we passed the bill enlarging the powers of United States commissioners we would still need some additional judges. He sent telegrams to the senior circuit judges who are members of the judicial conference we are talking about, asking them their opinion as to the work in each judicial district of the United States. I have photostatic copies of the telegrams containing the answers received from these senior circuit judges, and every bill I introduced was upon the recommendation of the senior circuit judge of the particular circuit involved. The recommendation was that an additional judge was needed there, and that is true in Louisiana. Those telegrams were sent to the Attorney General and the Attorney General delivered them to me.

Mr. STAFFORD. Mr. Speaker, my general acquaintance with the condition of litigation arising in large cities, especially where there is admiralty jurisdiction, such as is the case in New Orleans, and in view of the fact that the senior circuit judge makes this recommendation, I am prompted to withdraw my objection. I would have interposed an objection very readily to the appointment of an additional district judge for the western district, though there may be a need for an additional judge in that eastern district, but as the bill is drawn making them interchangeable, I will withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the President of the United States be, and he is hereby, authorized and directed to appoint, by and with the advice and consent of the Senate, an additional judge of the District Court of the United States for the Eastern District of Louisiana.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, one additional district judge for

the eastern and western districts of Louisiana, who shall at the time of his appointment be a resident and a citizen of the State of Louisiana."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

#### TWO ADDITIONAL DISTRICT JUDGES FOR THE SOUTHERN DISTRICT OF NEW YORK

The next business on the Consent Calendar was the bill (H. R. 12032) to provide for the appointment of two additional district judges for the southern district of New York.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. O'CONNOR of New York and Mr. BOYLAN objected.

#### ADDITIONAL JUDGE OF THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF OKLAHOMA

The next business on the Consent Calendar was the bill (H. R. 12307) to provide for the appointment of one additional judge of the District Court of the United States for the Western District of Oklahoma.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, in this case I would like to have the opinion of the gentleman from West Virginia or some Member from Oklahoma, who has first-hand knowledge, as to the condition in the western district of Oklahoma. I notice from the report of the Attorney General for the fiscal year ending June 30, 1929, that there were 224 private cases begun and that there are 234 pending. Will some gentleman give the House some information as to the current condition of litigation and the need of an additional judge in the western district?

Mr. BACHMANN. I call the gentleman's attention to the fact that in reading the figures from the report of the Attorney General, where he used the figures 224, there should be 97 added to that number, making 331, for the reason that the civil and private cases are all civil cases, and I think that is what the gentleman is trying to reach.

Mr. STAFFORD. I am not materially concerned about these little civil cases arising from violations of the internal revenue, commerce, and public health laws. I am considering the litigation inaugurated by private parties.

Mr. BACHMANN. There were 224 of those commenced in the western district of Oklahoma for the fiscal year 1929, and they completed in the western district 189 private cases. The figures which the gentleman read were figures as to the cases that were commenced in that district by private litigants, but they completed 189, and they have pending on the docket 269 private cases alone which the court has been unable to dispose of in the western district.

I understand their work is about a year behind now. It will take them about a year to clean up the cases on the docket in that district.

Mr. HASTINGS. Will the gentleman from West Virginia allow me to state that one of the largest oil fields anywhere in the United States has been developed south of Oklahoma City in the western district, and this country has enormously developed within the last year, and this increases the necessity for this additional judge in the western district.

Mr. STAFFORD. Is the present incumbent a live judge, or is he rather ancient in his ways?

Mr. GARBNER of Oklahoma. He is a newly appointed judge, and a very active and efficient one. I may say to the gentleman, supplementing the report of the Committee on the Judiciary, this legislation is requested by the senior circuit judge of the tenth circuit, also by each of the United States district judges in the State of Oklahoma and two of the United States district attorneys. During the 4-year period, according to the Bachmann tables, there were 13,604 cases commenced, and at the end of that period there were 2,466 cases pending, 1,016 of which were pending in the western district. It was at the suggestion of the senior circuit judge of the tenth circuit that the bill was framed to appoint this judge for the western district. Of course, the gentleman is familiar with the law that makes each judge in any of the districts subject to assignment in the various districts of the country.

Mr. STAFFORD. By direction of the senior circuit judge.

Mr. GARBNER of Oklahoma. Yes.

Mr. STAFFORD. I see that in the eastern district considerable litigation has developed during the year.



Mr. GARBER of Oklahoma. That is correct. The gentleman is absolutely correct about that and we should actually have two district judges instead of one.

Mr. STAFFORD. This additional judge, as the gentleman has stated, can be utilized not only in the western but in the eastern district.

Mr. GARBER of Oklahoma. He will be subject to assignment to any of the districts.

Mr. BACHMANN. I may add for the gentleman's information that the increase in the oil business alone in this State has greatly increased private litigation.

Mr. STAFFORD. Why did not the committee make this judge available for both districts in Oklahoma?

Mr. BACHMANN. Because the senior circuit judge of that circuit thought it should be in this district.

Mr. GARBER of Oklahoma. On account of the increased number of cases pending and undetermined in that district.

It is admitted that population alone is not determinative of the number of Federal judges for a State, although the estimated figure of the last census for Oklahoma is 2,428,000. Neither is the area of a State the test, although Oklahoma has 69,414 square miles. The State's annual production, indicative of the volume of business, may not be satisfactory in such determination, although Oklahoma's production of new wealth for 1929 was \$1,463,460,000.

Not one—nor all—of these factors may be sufficient evidence to show the need for an additional judge, but when we consider the enormous annual production of new wealth, indicative of the vast volume of business transacted, coupled with the requests of the Federal judges of the State, attempting to administer the ever-increasing volume of litigation, and the 13,604 cases commenced in the Federal courts of the State within the 4-year period, beginning with the fiscal year 1926 and ending with the fiscal year 1929, and the 2,466 cases pending at the close of the fiscal year 1929, we believe such evidence affords the highest degree of proof of which the case is susceptible.

The pending bill under consideration authorizes the appointment of an additional United States district judge for the western district of Oklahoma, subject, of course, to assignment in the other districts of the State. It has been favorably reported by the House Judiciary Committee. It has been recommended by the senior circuit judge of the tenth circuit, and each of the presiding United States district judges in the three Federal districts of the State.

Referring to the proposed legislation, Senior Circuit Judge Robert E. Lewis said:

Its purpose, as I understand, is to afford additional assistance in disposing of congested dockets in each of the three districts. I think the appointment should be made for only one of the districts, and then by assignment to the different districts the four district judges can serve in each. I have named the western district as the one in which the appointment should be made because of statements in your former letter that business in that district promises to be larger than either of the other two. Of course, I have no wishes about that, but think the bill should specify one of the three districts for which the judge is to be appointed.

In commenting upon the above, the Hon. R. L. Williams, presiding United States district judge for the northern district said:

I agree with the conclusions of Judge Lewis. This will equalize the matter geographically. That will provide two judges in old Oklahoma Territory and we will have two in old Indian Territory. You are authorized to state to Congressman GARBER that a bill in accordance with these suggestions meets with my approval.

I am also in receipt of telegrams as follows:

MUSKOGEE, OKLA., May 27, 1930.

M. C. GARBER,

House Office Building:

In my opinion an additional judge for western district to be available to assignment as aid in eastern and northern districts is needed.

H. L. WILLIAMS.

GUTHRIE, OKLA., May 27, 1930.

Hon. M. C. GARBER,

Member of Congress:

Judges for the northern, eastern, and western districts have had conference on this subject and we all agree that the appointment of additional judge for Oklahoma is not only necessary but is the most practical solution of the present situation for offering relief for present congested condition.

EDGAR S. VAUGHT,  
Presiding Judge for Western District.

TULSA, OKLA., May 26, 1930.

Hon. M. C. GARBER,

Member of Congress:

The appointment of an additional United States district judge for the western district of Oklahoma subject to assignment would greatly relieve the congested dockets of the various judicial districts of Oklahoma. I sincerely trust you will be able to have this bill passed at the present session of Congress.

F. E. KENNAMER,  
Presiding Judge of Eastern District.

TULSA, OKLA., May 28, 1930.

Hon. M. C. GARBER,

Member of Congress:

Grand jury this district on April 27 returned 186 true bills for felonies. Grand jury in session now will return approximately 75 indictments, making total of approximately 750 criminal cases pending. Business this district rapidly increasing. I believe an additional judge for each Oklahoma district is needed, and I am certainly sure that two additional judges are needed, together with additional forces for district attorneys and marshals. This district certainly needs another judge.

GOLDESBERRY,  
United States District Attorney for Eastern District.

MUSKOGEE, OKLA., May 28, 1930.

M. C. GARBER,

House of Representatives:

Absolute need for additional judge, western district, subject assignment eastern and northern districts Oklahoma. Recommend legislation.

FRANK LEE,  
United States District Attorney for Northern District.

Measured by the degree of proof of which the case is susceptible and by the precedents established by preceding Congresses, there can be no question as to the necessity for the proposed legislation.

Florida, with a population of 968,470, less than half that of Oklahoma, and an area of 14,553 square miles less, has four district judges, but there were 4,306 more cases commenced in Oklahoma than in Florida for the 4-year period.

Michigan has five district judges, yet in the 4-year period there were 356 more cases filed in the Federal courts of Oklahoma than in the Federal courts of that State.

With four district judges, Missouri had a total of cases commenced during the 4-year period of 11,677, or 1,927 less than in the State of Oklahoma.

New Jersey has four district judges, but there were 4,093 more cases commenced in Oklahoma in the 4-year period than in New Jersey.

North Carolina has four district judges, but in the 4-year period there were 3,188 more cases commenced in Oklahoma with her three judges.

#### OKLAHOMA'S MARVELOUS DEVELOPMENT

But few realize and appreciate the rapid growth and unparalleled development of Oklahoma's resources during the last decade. It is without precedent in our history. Oklahoma was of age on the 16th day of November, 1928. Forty-sixth in age among the States, she ranks twenty-first in population, and her amazing development since the turn of the century ranks her among the leading States of the Nation.

Oklahoma is one of the few States producing more than \$1,500,000,000 worth of commodities annually, and whose annual output of mineral, agricultural, and manufacturing products are almost identical in value.

Of all the States in the Union, she ranks first in the diversity of natural resources; in acre income of soil products; in farm income on the investment; in percentage of return on more than three-fourths of the 56 leading crops in the United States; in value of petroleum and its allied products, natural gas and casing-head gasoline; in the value of annual production of zinc and lead; in estimated total value of unmined minerals; in the production of crude oil; in the area of oil-producing territory.

She ranks second in the production of grain sorghums; second in annual value of minerals produced; second in pipe-line capacity and extent of area served; third in the production of winter wheat; fourth in cotton; fourth in pecans; fifth in all wheat; sixth in peanuts; twelfth in corn; thirteenth in poultry; and according to the last census she outstripped 31 States in the value of livestock products.

They say "a new broom sweeps clean." Oklahoma is not only a new broom sweeping away all precedents in the rapidity and quantity of annual production of the Nation's needs, but she actually grows and furnishes the broom corn "to sweep the



Nation clean." Her annual production of that staple is greater than that of all the other States combined.

In agricultural wealth Oklahoma has advanced from a few million dollars a year to more than \$500,000,000 annually. Year after year the State has hovered around tenth place among all the States in the United States in total value of all crops, exclusive of livestock and dairy products, poultry and poultry products. In 1928, with a total crop value of \$303,382,000, she ranked ninth with an increase in valuation over the previous year of \$23,210,000. She has become richer in actual dollars and cents in a shorter period of time than any domain in the history of mankind, not excepting any of the gold regions. In combined new wealth per year—that is, in money derived from the products of the soil, the ranch, the mines, and the oil wells—Oklahoma in 1927 ranked third among the States, being surpassed only by Texas and Pennsylvania, and followed in the order named by California, Illinois, Ohio, Iowa, West Virginia, North Carolina, and Minnesota, those being the high 10.

According to the 1925 census every dollar invested in farm land in Oklahoma brought in returns exceeding those in the greatest dairy State, the greatest corn State, and the greatest wheat State in the country.

Before her 21st birthday Oklahoma had won a forward place in the procession of States on cotton and cereals alone. Without a drop of petroleum the State would occupy an enviable position before the world. With petroleum adding its quick increment to the coffers of the community, Oklahoma presents an astonishing spectacle, more striking perhaps when it is viewed from a distance than close at hand. She has developed from Indian and public lands, innocent of population, by 7-league strides, to her place to-day as one of the most progressive, up-to-date States of the Nation.

#### 1929 PRODUCTION OF OKLAHOMA

The estimated total production of new wealth in Oklahoma during the year 1929, compiled from official reports by the United States Department of Agriculture, Oklahoma State Board of Agriculture, Oklahoma Geological Survey, and the United States Department of Commerce:

Agriculture	
Crops:	Value
Cotton, 1,142,000 bales.....	\$89,647,000
Wheat, 44,478,000 bushels.....	44,033,000
Corn, 48,320,000 bushels.....	38,173,000
Cottonseed, 507,000 tons.....	15,717,000
Hay, 1,364,000 tons.....	15,654,000
Grain sorghums, 20,483,000 bushels.....	13,314,000
Oats, 20,592,000 bushels.....	9,884,000
Other crops.....	28,896,000
1929 plow-crop production.....	255,318,000
Livestock (total value of all livestock in the State as of Dec. 31, 1929).....	125,142,000
Other farm products:	
Poultry and eggs, milk and butter, wool, honey, wax, etc.....	112,000,000
1929 value farm products.....	492,460,000
Manufactured products.....	465,000,000
Minerals	
Petroleum, 253,000,000 barrels.....	354,000,000
Natural gasoline, 625,000,000 gallons.....	43,000,000
Natural gas, 325,000,000 M cubic feet.....	48,000,000
Zinc, 250,000 short tons.....	20,000,000
Coal, 5,000,000 short tons.....	15,000,000
Other minerals.....	21,000,000
1929 value of mineral products.....	501,000,000
Lumber and timber.....	5,000,000
1929 mineral and forest products.....	506,000,000
1929 total production.....	1,463,460,000

Note how nearly balanced are total values of farm products, mineral products, and manufactured products. What other State can make this showing?

In a recent signed statement the Hon. W. J. Holloway, Governor of the State of Oklahoma, referring to the State's financial condition, said:

As for State taxes, our constitutional limitation is fixed at 3½ mills upon the assessed value of property. During three out of the past five years it has been unnecessary to levy any State tax upon real property.

The business of the State is conducted upon the sound business principles of honesty and conservatism, with due regard to the changing and increasing needs of the times.

In only 22 years Oklahoma has erected adequate and generous educational, eleemosynary, and penal institutions of all kinds, in keeping with the best social practices of the Nation. It has equipped all of these institutions with buildings without a bond issue, and to-day the State building fund has \$3,000,000 in the hands of the State treasurer to be used at the appropriate time for the construction of new State buildings.

The total outstanding State debt at present is approximately \$2,000,000, but the actual money is now in the hands of the State treasurer to pay these bonds when due. If the holders of the bonds would present them for payment to-morrow, they could be retired without effort.

Oklahoma State warrants bring par at any bank in the State. There are ample funds in the hands of the State treasurer to meet every expense of legitimate government when due.

Furthermore, Oklahoma shows well-organized State, county, and city government, stable, reliable, and solvent throughout.

Thirteen millions of dollars are raised annually for the building of State highways without a cent of added tax burden upon the property of the State.

Oklahoma's estimated population is 2,246,000. In area it is 69,414 square miles. Measured by volume of the annual production of wealth, the annual amount of business transacted, by the area of the State, its ever-increasing population, and the number of cases pending in her Federal courts, Oklahoma is entitled to two additional judges of the United States District Court when she is simply asking for one. [Applause.]

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the President is hereby authorized to appoint, by any with the advice and consent of the Senate, one additional judge of the District Court of the United States for the Western District of Oklahoma, who shall reside in said district and possess the same powers and jurisdiction and perform the same duties as are required to be performed by the present district judge of said district and receive the same compensation.

SEC. 2. In the event a vacancy occurs in the office of the United States district judge appointed under this act, the President is hereby authorized, by and with the advice and consent of the Senate, to fill such vacancy by appointment without further authorization by the Congress.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

#### WEST POINT, GA., AND LANETT, ALA., POST-OFFICE BUILDINGS

The next business on the Consent Calendar was the bill (H. R. 11515) to provide for the sale of the Government building site located on the State line dividing West Point, Ga., and Lanett, Ala., for the acquisition in West Point, Ga., of a new site, and for the erection thereon of a Federal building.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I would like to inquire if this bill constitutes an exception to the building program. If so, why does it come before us in this form? I suppose there is some good reason for it.

Mr. WRIGHT. There is a very unique situation at West Point, Ga., and Lanett, Ala., in reference to a post-office building.

Mr. LAGUARDIA. Is this where you had one building for two towns?

Mr. WRIGHT. Yes; and neither one wants it and the populations of the towns have grown away from the site. It would not serve either community properly now and legislation is required to transfer the fund to West Point, which is the only one of the two towns which can qualify for a building. The receipts of the Lanett office are only a little over \$6,000 per annum, while those of the West Point office are over \$19,000.

Mr. CRAMTON. The fact is, if the gentleman will permit, the receipts of West Point are less than the receipts of towns for which we have been making appropriations, but about enough to entitle them to consideration under the new legislation.

Mr. LAGUARDIA. About \$19,000.

Mr. CRAMTON. Yes; but the appropriation was authorized a number of years ago under other conditions.

Mr. WRIGHT. In 1913, in the general omnibus bill.

Mr. CRAMTON. But as to Lanett, their receipts are about \$6,000, and the authorization for a building at Lanett as provided in the amendment is a new authorization for a town with receipts of less than \$7,000, although it does not become effective until they have receipts of \$7,500. This is smaller than the receipts of any other town that is being considered, unless it is one of those where it is mandatory to provide two in a State.

Mr. LAGUARDIA. Are we not operating under a policy of a \$20,000 income for post offices in allocation for new buildings?



Mr. CRAMTON. It is my understanding the new legislation would bring it down to approximately \$20,000.

Mr. CRISP. If the gentleman will permit, while, of course, the policy is they will not put a building or purchase a site where the receipts are less than \$20,000, there were a number of cases where the Government bought sites under the act of 1913, and the act says that in those particular places where they have had the sites if the receipts are \$7,500 they will build them.

Mr. LAGUARDIA. Would it be prejudicial to Lanett if we struck out that part of the section put in by the committee, commencing with line 11 and simply transfer the appropriation to West Point?

Mr. CRISP. I will let the gentleman from Georgia [Mr. WRIGHT] answer that. It is in his district.

Mr. PATTERSON. Absolutely. It would do away with any equity Lanett might have. It is a joint project, and it would do away with Lanett's equity.

Mr. CRAMTON. Why should we build a public building for Lanett, with receipts of less than \$7,000, when there are towns all over the country with larger receipts than that, from \$7,000 up to \$20,000, that will not be reached for a number of years?

Mr. PATTERSON. We are not asking for a building now. We are asking for the preservation of our equity in this site. If we have that destroyed and give it all to West Point, we will then have no equity with respect to getting a building in the future.

Mr. CRAMTON. You are not asking that your equity be preserved; you are asking that when your receipts reach \$7,500 you get a building. No other town in the country has that possibility except where the two in a State provision is applicable.

Mr. PATTERSON. But the law itself permits that. I talked with Secretary Heath about it a few moments ago, I will say to my good friend from Michigan, and Secretary Heath said that where these sites were purchased under the 1913 act they come in under the \$7,500 provision.

Mr. HOGG. Is not the gentleman opposed to the expenditure of money for the Post Office Department?

Mr. PATTERSON. Oh, no; the gentleman has gotten me mixed up with some other Member. I have done all I could to get the post office to extend the rural mail.

Mr. HOGG. Recently we had bills here to raise revenue for the Post Office Department. If I recollect rightly, the gentleman objected to them.

Mr. LAGUARDIA. My colleague refers to the various popgun efficiency bills which they doped out. They will soon want 2 cents for going into the post office or have a turnstile and drop a nickel in the slot. [Laughter.]

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to dispose of the present Federal-building site located on the State line dividing West Point, Ga., and Lanett, Ala., acquired under the act of March 4, 1913 (37 Stat. 873), in such manner and upon such terms as he may deem for the best interests of the United States, and to convey such site to the purchaser thereof by the usual quit-claim deed; and to acquire in lieu thereby, by purchase, condemnation, or otherwise, a new site located in West Point, Ga., and to construct a Federal building thereon; the proceeds of the sale of the site now located on the State line dividing West Point, Ga., and Lanett, Ala., and the appropriations heretofore made thereof, be, and the same are hereby, reappropriated and made available for the acquisition of the site and commencement of the building to be located in West Point, Ga.

With the following committee amendment:

At the end of the bill, on page 2, add the following:

"The Secretary of the Treasury is authorized, when the postal receipts at the city of Lanett, Ala., have reached the sum of \$7,500 annually, to acquire by purchase, condemnation, or otherwise a site in such city and to construct a United States post office thereon."

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment to the committee amendment.

The Clerk read as follows:

Page 2, line 13, strike out the figures \$7,500, and insert in lieu thereof \$10,000.

Mr. PATTERSON. I hope the gentleman does not insist on this amendment.

The amendment to the committee amendment was agreed to. The committee amendment as amended was agreed to.

The bill, as amended, was ordered to be engrossed, read a third time, was read the third time, and passed.

The motion to reconsider was laid on the table.

The title was amended.

Mr. PATTERSON. I regret that the amendment of the gentleman from New York prevailed, but I do appreciate the fine spirit of the Members here on the floor regarding this matter. I realize that it is an important question and, I believe that I can safely say that every person living in the splendid city of Lanett will be deeply grateful to the Members of this House for passing this bill. I want to say I especially appreciate the splendid spirit shown here by the Republican Members of this House regarding this project. I have often seen this fine spirit demonstrated here toward my section of the country, and I want to say further that I appreciate deeply the kind things said here of me and my services on this floor, and I shall do my best at all times to deserve this high commendation.

This is an important project to our people, and I feel that this will mean much to the growing and prosperous city of Lanett, Ala.

In closing may I say that the people I represent thank you and I thank you, and I also desire to say it is my wish to unselfishly serve our whole country more and more.

#### TRANSFER OF PROPERTY LOCATED AT HOBOKEN, N. J.

The next business on the Consent Calendar was the bill (H. R. 12383) to transfer from the United States Shipping Board to the Treasury Department certain property located at Hoboken, N. J.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

Mr. DAVIS. Will the gentleman withhold that for a moment?

Mr. SCHAFER of Wisconsin. I will.

Mr. DAVIS. I wish to say to the gentleman from Wisconsin that I have no personal interest whatever in this bill, but it was considered by a committee of which I am a member. It is simply to save the Government by transfer from one department to another of some land needed for post-office buildings. A bill has been enacted authorizing the sale of the property by the Shipping Board.

Mr. LAGUARDIA. I want to ask the gentleman a question, because I know the great Committee on Merchant Marine never goes wrong. Why did not the committee follow the same policy when it came to the Hoboken piers?

Mr. DAVIS. The committee would have been glad to have done that if the municipality was in a position to acquire the property, but they stated that they could not do it.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I do not object to the consideration of this bill and I will withdraw my request.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That there is hereby transferred from the United States Shipping Board to the Treasury Department, as an addition to the present post-office site at Hoboken, N. J., a piece or parcel of land in said city, contiguous to the east line of the present post-office site as transferred under the second deficiency act, 1929, fronting 25 feet along the north line of Newark Street, and extending at that width in a northerly direction 175 feet; also a piece or parcel of land 25 feet wide on the northerly side of said post-office site and contiguous thereto, as extended herein, running westerly along the south side of First Street extended, 225 feet, more or less, to the easterly side of River Street.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

#### TRANSFER OF THE RADIO DIVISION FROM THE DEPARTMENT OF COMMERCE TO THE FEDERAL RADIO COMMISSION

The next business on the Consent Calendar was the bill (S. J. Res. 176) transferring the functions of the radio division of the Department of Commerce to the Federal Radio Commission.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. DAVIS. Will the gentleman withhold his request?

Mr. SCHAFER of Wisconsin. Yes.

Mr. DAVIS. Mr. Speaker and gentlemen, I want to say that this is a very important bill with respect to both sections. The House committee amendment clarifies the appeal provision in the present law. The radio act of 1927 contains certain provisions providing for appeals from the Federal Radio Commission to the Court of Appeals of the District of Columbia, and provides the method by which that might be effected.



Mr. SCHAFER of Wisconsin. I understand that, and it is not the particular provision which I find objectionable. I would not have any objection if you had a separate bill providing for the appeal. However, I do not think the Unanimous Consent Calendar is the time or place to consider a question of the transfer of the entire functions of the radio division of the Department of Commerce which has been functioning with almost 100 per cent efficiency.

Mr. DAVIS. Mr. Speaker, will the gentleman yield further on that question?

Mr. SCHAFER of Wisconsin. Yes.

Mr. DAVIS. I was going to discuss that after discussing the appeal features. The radio act of 1927, together with amendments thereto, has already transferred to the Federal Radio Commission all functions and authority whatever that formerly vested in the Secretary of Commerce with respect to radio, with the sole exception of the present so-called radio division in the Department of Commerce, which is nothing more or less than the radio inspectors. There are 40 or 50 radio inspectors who have no functions and no power whatever except to make inspections of radio trouble. They have no authority to make or enforce any order. They are hanging in mid-air.

They could perform a very useful function under the jurisdiction of the Federal Radio Commission, because that commission could direct them into different sections to investigate reports and complaints of trouble, and then upon receipt of information could issue effective orders; but as it is now, they are not under the orders of the Federal Radio Commission, they are not required to make reports to them, because they have no jurisdiction whatever over them, so that their work is practically effecting nothing now. With respect to taking it away from the Secretary of Commerce, Secretary Lamont approved this bill.

Mr. LA GUARDIA. Mr. Speaker, the Department of Commerce has jurisdiction over the Steamboat Inspection Service?

Mr. DAVIS. That is correct.

Mr. LA GUARDIA. The Radio Bureau of the Department of Commerce was vested with the duty of inspecting the radio equipment on ships. Does not the gentleman believe that the Steamboat Inspection Service and the inspection of radio equipment on ships are so closely related that they should remain in the Department of Commerce? I am referring only to the inspection of radio equipment on ships.

Mr. DAVIS. The inspection of radio on ships is a very small feature of the inspection of radios.

Mr. LA GUARDIA. But it is an important duty, nevertheless.

Mr. DAVIS. That is true, but the Secretary of Commerce is not now undertaking to exercise any jurisdiction or any authority with respect to radio in any particular, with the sole exception, as I stated, that these inspectors are still resting in the department.

Mr. LA GUARDIA. And not doing anything?

Mr. DAVIS. Nothing, except making inspections and advising; these inspectors can not enforce an order. They are simply going around making inspections and reporting them to the chief of that division.

Mr. LA GUARDIA. When this bill was considered, I hoped that the committee would find some way to leave the inspection of the physical equipment of radios on ships to the Department of Commerce, along with the Steamboat Inspection Service.

Mr. DAVIS. The Committee on Commerce of the Senate unanimously reported this resolution and the Senate unanimously adopted it. The Committee on Merchant Marine and Fisheries of the House unanimously reported the bill after considering it. These are the two committees that have had exclusive jurisdiction over all radio matters since the very beginning, and we are unanimously of opinion that this is in the interest of the public service and in the interest of economy. I have no object or purpose whatever in the matter, no personal interest, but we were unanimously convinced that that is true, and for that reason I believe the gentleman ought to permit it to be called up, because to pass it over would probably mean the failure of the passage of the resolution this session; and there is a feature that I started to explain to the gentleman. The appeal feature will appeal to the gentleman from Wisconsin, I know.

Mr. OLIVER of Alabama. Mr. Speaker, I think the gentleman is in error in stating that the Secretary of Commerce favors the transfer of it at this time. My information is that he feels it should await general legislation that is now pending, and which is to be considered at the December session. There are many matters connected with the transfer that I think can be worked out better under the bill now pending in the Senate.

Mr. DAVIS. If that is the present position of the Secretary of Commerce, he has changed his position since our committee reported the bill, and we have received no advice to that effect. The transfer has been already absolutely effected with respect to all radio matters and all personnel, with the single exception of these inspectors, who are hanging in mid-air on salaries, practically effecting no good purpose. The gentleman I presume refers to the Couzens communication bill, and it is a foregone conclusion that that bill has no chance of passage during the present session of Congress. I again appeal to the gentleman with respect to the amendment that we affixed to this bill, because it may be the only chance to pass it. We passed a bill through the House unanimously some time ago in which we amended the radio act of 1927 in several particulars, and among others embraced in it the committee amendment to this bill. The reason for that was this: In actual practice the appeal provision of the radio law has resulted in a great deal of confusion, and among other things the Supreme Court of the United States has held that an appeal from the court of appeals does not lie to the Supreme Court of the United States in a radio case, and they have refused to entertain any petition for a writ of certiorari. That was never the intention of the committee or the Congress, and this amendment makes it clear that that an appeal may lie, and it clarifies the whole procedure. It has the unanimous indorsement of the Federal Radio Commission, and of the general counsel for the commission, and of every one else familiar with it, so far as I know. While we have passed a bill embodying the same appeal amendment, yet it is hanging fire at the other end of the Capitol with no prospect of passage at this session, and unless this passes now that will continue at least until next December, and appeals are being made frequently.

There are now about 56 appeals pending, and it is a very serious and a very important matter from the public standpoint and also from the standpoint of the litigants themselves, who ought to have the right of review by the highest court of the land.

Mr. SCHAFER of Wisconsin. I appreciate that; and I have no objection to section 2. I regret to object at the present time, in view of the gentleman's position, because I believe he is one of the best members of the committee to follow on a matter affecting radio legislation. The fact that this resolution passed the Senate does not carry much weight with me.

Mr. OLIVER of Alabama. I have no doubt of the correctness of my statement that the Secretary of Commerce is not in favor of the passage of this bill at this time. The objection of the Secretary, however, as I am informed, relates only to the first part of the bill. Another bill on the calendar applies to the appeal and to this there should be no objection.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

#### REFUND OF VISA FEES

The next business on the Consent Calendar was the bill (H. R. 9673) to authorize the refund of visa fees in certain cases.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LA GUARDIA. Mr. Speaker, reserving the right to object—

Mr. JOHNSON of Washington. Does the gentleman expect to object?

Mr. LA GUARDIA. Yes.

Mr. JOHNSON of Washington. Then why not object now?

Mr. LA GUARDIA. Mr. Speaker, I ask unanimous consent to insert at this point the minority report on the bill presented by the gentleman from New York [Mr. DICKSTEIN].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. JOHNSON of Washington. Mr. Speaker, reserving the right to object, I wish to make a statement in regard to this bill and consume only about a minute.

Mr. O'CONNOR of New York. May I ask if it is the practice of the committee to put on the Consent Calendar bills with the hope to pass the bills on which minority reports are filed?

Mr. JOHNSON of Washington. No; it is not the practice, but it seems to be the only way to reach a bill from the Committee on Immigration and Naturalization.

Mr. O'CONNOR of New York. I think that is a reprehensible practice. If I knew that there was a minority report on a bill on this calendar I would object to it.

Mr. JOHNSON of Washington. I suppose the minority report was put on file after the bill was put on the Consent Calendar.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York [Mr. LA GUARDIA]?

There was no objection.



Following is the minority report referred to:

Mr. DICKSTEIN, from the Committee on Immigration and Naturalization, submitted the following minority report (to accompany H. R. 9673):

I am opposed to the bill H. R. 9673 for the reasons which I have heretofore stated on the floor of the House in my speech of January 8, 1930.

I took the position that our Government owes some duty to those who relying on the law then in force saw fit to make application for visas for admission to the United States and complied with every requirement of the statute then in force.

The total number of those who are affected by this proposed legislation is only 2,008. I believe that the Government is in duty bound to enable these prospective immigrants who have given up their homes preparatory to coming to the United States and who are now stranded in European ports waiting for a chance to get across to enable them to proceed to the United States.

To refund their visa fees is not the proper way to solve this problem. In the first place, most of the prospective immigrants do not know that such a law was passed and no means exist by which they could be advised of this proposed legislation.

Just consider the terms of this bill. It enables a prospective immigrant who failed to take advantage of a visa issued to him to make application for refund of his visa fee. This application must be made at an American consulate's office and, of course, is hedged around with many restrictions and technical provisions which will make it almost impossible for any alien to take advantage of it. But, assuming that an alien will take advantage of it and will apply for the refund of his visa fee, will it be keeping faith with the prospective immigrant for this Government to deprive him of all the rights to which he thinks he is entitled to by reason of the legislation in force at the time that he made his application for a consular visa.

I shall quote briefly from my remarks on January 8, 1930 (CONGRESSIONAL RECORD, 71st Cong., 2d sess., p. 1281):

"Mr. DICKSTEIN. I have also introduced a bill which I have urged in prior years, being now known as H. R. 5645. Under this bill an immigrant who has obtained a proper American visa prior to July 1, 1924, and who has paid the regular fee therefor and shall have otherwise qualified be admissible into this country without the quota.

"The number of aliens involved under this bill is not large. In fact, it amounts to a very small number.

"No reason exists why these men who have paid a visa fee and who have done everything in their power to qualify themselves for admission to the United States, should be barred from this country only because we have seen fit to amend our immigration laws without taking care of the situation."

For the foregoing reasons, I can not concur in the report of the committee and ask the House that this report be voted down.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. JOHNSON of Washington. This is a bill which I hope can pass. It is desired by the Department of State. I wish it could have been referred to the Committee on Foreign Affairs originally. It involves \$150,000 collected as fees for visas in 1924 from immigrants who were not allowed to receive the visas under the new law. There were 15,000 or more of them at one time. The United States has got the money in the Treasury belonging to these people, and owes it to them, and wants to pay them. Many of the holders of these visas are now in the United States, but to come they had to pay for other immigration visas. We should not keep their money. Several foreign governments have appealed to our State Department for the return of this money, belonging to these different people, most of whom as I have said, are now in the United States. It is their money, not ours, and should be returned to them. Apparently gentlemen who want other immigration legislation would try to force the situation by objecting to this one.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. I object.

The SPEAKER pro tempore. Objection is heard.

#### EXPENSES OF BANK EXAMINATIONS

The next business on the Consent Calendar was the bill (S. 485) to amend section 9 of the Federal reserve act and section 5240 of the Revised Statutes of the United States, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER of Wisconsin. Reserving the right to object, this is not the bill coming out of your committee relating to the Federal joint-stock land banks?

Mr. McFADDEN. No. This is to make it optional as to who shall pay for the examination of small banks.

Mr. LAGUARDIA. The bill provides that—

The expenses of all examinations, other than those made by State authorities, may, in the discretion of the Federal Reserve Board, be assessed against the banks examined, and when so assessed shall be paid by the banks examined. Copies of the reports of such examinations may, in the discretion of the Federal Reserve Board, be furnished to the State authorities having supervision of such banks, to officers, directors, or receivers of such banks, or to any other proper persons.

Mr. McFADDEN. The gentleman is reading the present law. This applies to present examinations, either of national banks or State banks belonging to the Federal reserve system, and permits those charges to be paid by the board instead of being assessed against the banks.

Mr. LAGUARDIA. What I have read is the new matter inserted in the bill. I was reading from page 3 of the report on the bill—matter printed in italics.

Mr. STAFFORD. That is on page 4.

Mr. McFADDEN. I think the gentleman has misconstrued the present provision. It simply modifies the present drastic law. It makes it optional with the board whether the charges shall be met by the banks themselves or leave it to the board to decide. In many cases where the board finds it necessary to make extra examinations of a national bank or a State member bank, if it is a State bank the charge is borne by the State banks, and if it is a national bank, extra examination is by the Comptroller of the Currency.

Mr. LAGUARDIA. When it is paid by the Federal board, from what fund is it taken?

Mr. McFADDEN. The regular fund in their hands provided for examination.

Mr. LAGUARDIA. From appropriations made by Congress, or contributions by the member banks?

Mr. McFADDEN. Appropriations by Congress.

Mr. LAGUARDIA. What does such an examination cost?

Mr. McFADDEN. It depends on the size of the bank.

Mr. LAGUARDIA. It is not a large amount?

Mr. McFADDEN. No; it is not, but it is certainly objected to by many of the small member banks.

Mr. LAGUARDIA. Why? A bank that can not stand the cost of an examination as to its solvency, as to its standing, surely requires an examination.

Mr. McFADDEN. I will say to the gentleman that it is objected to strongly, and this particular legislation is recommended by the administrative officers of the Federal reserve system.

Mr. CARTER of California. To banks of what size does this amendment apply?

Mr. McFADDEN. To the small-size banks particularly. The large banks do not object.

Mr. CARTER of California. Could it not be applied to a bank of any size?

Mr. McFADDEN. I can not imagine the Federal Reserve Board permitting it to apply.

Mr. LAGUARDIA. It provides that the expense of such examination may, in the discretion of the Federal Reserve Board, be assessed against the bank examined, and when so assessed shall be paid by the bank examined. So that is the exception.

Mr. McFADDEN. It can be assessed against a bank and the bank compelled to pay.

Mr. LAGUARDIA. In the absence of the board exercising the discretion provided, it is assessed against the fund of the Federal Reserve Board?

Mr. McFADDEN. Oh, no; the gentleman is wrong. It is assessed against the bank.

Mr. LAGUARDIA. No; the provision provides in the amendment the expense of such examination may, in the discretion of the Federal Reserve Board, be assessed against the bank examined, and when so assessed shall be paid by the bank examined. Therefore that is the exception. That is, when the board exercises its discretion. Otherwise it remains plain that it is paid from the fund of the Federal Reserve Board.

Mr. McFADDEN. It is entirely under the direction of the board in that respect. The present law provides it shall be assessed against the banks.

Mr. LAGUARDIA. I can not understand that. It seems to me that a bank that can not stand the expense of an examination which the law requires is not much of a bank.

Mr. McFADDEN. This refers to a special examination.

Mr. LAGUARDIA. I think special examinations are very necessary every now and then. Nobody knows it better than the gentleman from Pennsylvania.



Mr. McFADDEN. It will coordinate the examination of banks, both between State and national banks and the Federal reserve system, if this is passed. I will say to the gentleman that this has been sought by the board for several years.

Mr. LAGUARDIA. What did the gentleman from Arkansas [Mr. WINGO] say about this?

Mr. McFADDEN. He is in favor of the passage of the bill. It is a unanimous report of the committee.

Mr. STAFFORD. As I understand, the purpose to be attained by the proposed legislation is investigations of State banks which are members of the Federal reserve system?

Mr. McFADDEN. Yes.

Mr. STAFFORD. This legislation affects only State banks which are members of the Federal reserve system. As a State bank they are required to have a State examination, but at the same time that the State examiners may be examining the bank it might be necessary to have national examiners examine the bank as to those functions of a Federal character. It is left discretionary to charge that amount for Federal examiners doing that special work and not require the Federal examiners to make detailed examination and charge the entire cost to the State bank.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the seventh paragraph of section 9 of the Federal reserve act, as amended (U. S. C., title 12, sec. 326), is further amended by striking out the last sentence thereof and inserting the following:

"The expenses of all examinations, other than those made by State authorities, may, in the discretion of the Federal Reserve Board, be assessed against the banks examined and, when so assessed, shall be paid by the banks examined. Copies of the reports of such examinations may, in the discretion of the Federal Reserve Board, be furnished to the State authorities having supervision of such banks, to officers, directors, or receivers of such banks, and to any other proper persons."

SEC. 2. That section 5240, United States Revised Statutes, as amended by section 21 of the Federal reserve act, is further amended in the third paragraph thereof (U. S. C., title 12, sec. 483) by striking out the second sentence of such paragraph and inserting in lieu thereof the following:

"The expense of such examinations may, in the discretion of the Federal Reserve Board, be assessed against the banks examined, and, when so assessed, shall be paid by the banks examined."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

#### PUBLIC MONEY DEPOSITED WITH STATE BANKS

The next business on the Consent Calendar was the bill (S. 486) to amend section 5153 of the Revised Statutes as amended. There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 5153 of the Revised Statutes, as amended (U. S. C., title 12, sec. 90), is amended by adding at the end thereof a new paragraph to read as follows:

"Any association may, upon the deposit with it of public money of a State or any political subdivision thereof, give security for the safe-keeping and prompt payment of the money so deposited, of the same kind as is authorized by the law of the State in which such association is located in the case of other banking institutions in the State."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

#### TRUST POWERS, NATIONAL BANKS

The next business on the Consent Calendar was the bill (S. 3627) to amend the Federal reserve act so as to enable national banks voluntarily to surrender the right to exercise trust powers and to relieve themselves of the necessity of complying with the law governing banks exercising such powers, and for other purposes.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That subsection (k) of section 11 of the Federal reserve act (subsec. (k) of sec. 248, U. S. C., title 12), as amended, be further amended by adding at the end thereof a new paragraph reading as follows:

"Any national banking association desiring to surrender its right to exercise the powers granted under this subsection, in order to relieve itself from the necessity of complying with the requirements of this subsection, or to have returned to it any securities which it may have deposited with the State authorities for the protection of private or court trusts, or for any other purpose, may file with the Federal Reserve Board a certified copy of a resolution of its board of directors signifying such desire. Upon receipt of such a resolution the Federal Reserve Board, after satisfying itself that such bank has been relieved in ac-

cordance with State law of all duties as trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, committee of estates of lunatics or other fiduciary, under court, private, or other appointments previously accepted under authority of this subsection, may, in its discretion, issue to such bank a certificate certifying that such bank is no longer authorized to exercise the powers granted by this subsection. Upon the issuance of such a certificate by the Federal Reserve Board such bank (1) shall no longer be subject to the provisions of this subsection or the regulations of the Federal Reserve Board made pursuant thereto, (2) shall be entitled to have returned to it any securities which it may have deposited with the State authorities for the protection of private or court trusts, and (3) shall not exercise thereafter any of the powers granted by this subsection without first applying for and obtaining a new permit to exercise such powers pursuant to the provisions of this subsection. The Federal Reserve Board is authorized and empowered to promulgate such regulations as it may deem necessary to enforce compliance with the provisions of this subsection and the proper exercise of the powers granted therein."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I was never in favor of giving trust powers to national banks. The gentleman brought that about in one of the waves of amendment to the national banking law that have been made from time to time.

Mr. McFADDEN. I will say I was not responsible for this particular amendment to the present law that is referred to.

Mr. LAGUARDIA. Now, I see some of the banks want to surrender that right. Why not have them all surrender the right? The next thing you will have some of the national banks doing is to practice chiropody or something like that. You are trying to have them do everything else.

Mr. McFADDEN. Some of the banks are doing almost every line of business now. The gentleman is quite correct. I do not know that they have taken up chiropody, however.

Mr. LAGUARDIA. What is the purpose of this?

Mr. McFADDEN. The bill (S. 3627) proposes to amend section 11 (k) of the Federal reserve act so as to enable national banks to surrender voluntarily the right to exercise trust powers granted under the provisions of that subsection. This amendment would enable a national bank which had been granted authority to exercise trust powers but which is not exercising such powers to relieve itself of the necessity of complying with the provisions of section 11 (k) of the Federal reserve act and to obtain the return of securities which it may have deposited with State authorities for the protection of its private or court trusts.

Section 11 (k) of the Federal reserve act authorizes the Federal Reserve Board to permit national banks to exercise trust powers, and provides that banks exercising such powers shall maintain separate trust departments with separate records, and shall deposit securities with the State authorities for the protection of their trusts whenever the State law requires competing State institutions exercising trust powers to do so. It sometimes happens that a national bank which has received permission from the Federal Reserve Board to exercise trust powers decides not to exercise such powers and desires to be relieved of compliance with the provisions of section 11 (k) and to obtain the return of securities which may have been deposited with the State authorities. The law, however, provides no method by which a national bank may surrender its right to exercise trust powers, and in some instances the State authorities refuse to return to a national bank which is no longer exercising trust powers the securities deposited for the protection of its trusts. This results in inconvenience and in some cases in actual hardship on national banks and is a situation which should be remedied by an amendment to the law.

The sole object of the bill S. 3627 is to amend section 11(k) of the Federal reserve act so as to authorize a national bank which is not exercising trust powers to voluntarily surrender its right to exercise such powers. This bill provides that upon the surrender of its trust powers the national bank shall be relieved of the necessity of complying with the provisions of section 11(k) and shall be entitled to the return of any securities which may have been deposited with the State authorities for the protection of its trusts. The bill further provides that such national bank shall not thereafter exercise any trust powers under the provisions of section 11(k) without obtaining a new permit from the Federal Reserve Board. The procedure provided in the bill S. 3627 contemplates the issuance of a certificate by the Federal Reserve Board to the effect that the national bank is no longer authorized to exercise trust powers and the bill would require the board before issuing such



certificate to satisfy itself that the bank has been relieved in accordance with State law of any duties it may have assumed by accepting appointments as trustee, executor, or other fiduciary. This bill would make the issuance of such a certificate discretionary with the Federal Reserve Board so that the board in any case may require a national bank applying for surrender of its trust powers to take any other steps which the board may consider necessary for the protection of the public before issuing such a certificate.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. McFADDEN. I yield.

Mr. LAGUARDIA. I want to call the attention of every lawyer of the House to section (k) which the gentleman from Pennsylvania refers to. It seems almost impossible that any such provision should ever have been written into the law. It grants to a national bank power to act as trustee, executor, and administrator, registry of stocks and bonds, guardian of estates, assignee, receiver committee of lunatics, all to a national bank. The only thing you do not grant them is the right to practice medicine, as I said before. I can not understand how any such provision was ever written into the law.

Mr. STAFFORD. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. STAFFORD. A year or two ago the Supreme Court handed down a decision involving trust powers exercised by some bank in Massachusetts that had merged with another bank, in which, I believe, the court held the bank was not empowered to release itself of the fiduciary capacity that the other bank had assumed. What protection has the beneficiary in such case from the action of a bank in surrendering the trust powers? Assuming that a testator has named a bank as trustee of his will—

Mr. McFADDEN. But this only applies to banks that are not exercising this power. This is in accord with what the gentleman is arguing. It is to relieve those banks who do not want to do trust business, who have been exercising a trust power and their responsibilities have all been discharged, to permit them to get out of the business.

Mr. STAFFORD. Who have been. That is the very point—who now wish to be released of it. I ask the gentleman this question: Assuming that a testator has named a national bank as trustee, and the bank has entered upon the performance of its duty, where does the beneficiary of the trust come in as to the continuation of the discharge of those fiduciary duties?

Mr. LAGUARDIA. That is provided for in this language:

Upon receipt of such a resolution the Federal Reserve Board, after satisfying itself that such bank has been relieved in accordance with State law of all duties as trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee—

And so on. It must first show that it has been relieved.

Mr. O'CONNOR of New York. It might be absolutely impossible to ascertain that fact. If a bank had been trustee for an estate, even a court order might not absolve it from some contingent liability.

Mr. McFADDEN. This is optional with the board, and the board certainly would not relieve a bank of its responsibility if there was any pending obligation.

Mr. O'CONNOR of New York. They may not be able to find it out. I wish the gentleman would answer this question: Why does a national bank which has never exercised this power or which, having exercised it, is not conducting any business under it, want to be relieved of it? What is the real practical purpose?

Mr. McFADDEN. There are certain requirements which they must continue to comply with in regard to reports, and so forth.

Mr. LAGUARDIA. I think what the gentleman from Pennsylvania means is this: If a bank has never exercised this right, it has nothing to withdraw; but if at one time it decided it would go into this business it had to make certain deposits; if it now decides it wants to get out of this business and attend to its legitimate banking business, then it must make a showing to the effect that it has been relieved of all obligations, and then it is permitted to withdraw the deposits.

Mr. STAFFORD. The purpose may be to permit a national bank to form a trust company and have the trust company act independently of the national bank.

Mr. O'CONNOR of New York. At any rate I hope the purpose is not to have them relieved of any possible liability, although it looks like that.

Mr. McFADDEN. No; that is not the purpose of this bill.

Mr. O'CONNOR of New York. Are there any banks asking for this?

Mr. McFADDEN. Yes. It is a problem of administration and operation of the Federal reserve system. I would like to say that 11 (k) of the Federal reserve act, which gives national banks the right to do a fiduciary business, is a permissive act. They have to get the permission of the Federal Reserve Board before they can act. In the cases you gentlemen have been referring to, where a national bank has asked and received permission from the Federal Reserve Board, and for some reason or other it does not care to continue in that business, it merely by this act asks to be relieved of the responsibility of continuing in the trust business, but it is not intended that the Federal Reserve Board will release any bank from any obligation which any national bank may have had when it actually did go into the trust business.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. McFADDEN. I will.

Mr. LAGUARDIA. The gentleman is the chairman of the committee which reported this bill. There is nothing in this bill which can be construed as relieving or is intended to relieve any corporate or individual liability which may exist by reason of any bank heretofore having acted in any of the capacities referred to in section 11 (k).

Mr. McFADDEN. The gentleman is quite correct.

Mr. O'CONNOR of New York. That is not necessarily so. You can assume many instances, but take this one: A testator names a national bank as his trustee; they accept the trust, we will say, for two generations, and then they want to relinquish it after he is dead. That has never been known in the banking law before. They can go out of that business and they can turn it back under this proposition.

Mr. McFADDEN. I will say that if there was an obligation there the bank would certainly not be relieved; that is, if it were relieved of the right to do a trust business the obligation would still lie against the bank.

Mr. LAGUARDIA. We can not relieve them of any liability or obligation.

Mr. PATTERSON. How many States are affected?

Mr. McFADDEN. All of the States are affected.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That subsection (k) of section 11 of the Federal reserve act (subsec. (k) of sec. 248, U. S. C., title 12), as amended, be further amended by adding at the end thereof a new paragraph reading as follows:

"Any national banking association desiring to surrender its right to exercise the powers granted under this subsection, in order to relieve itself from the necessity of complying with the requirements of this subsection, or to have returned to it any securities which it may have deposited with the State authorities for the protection of private or court trusts, or for any other purpose, may file with the Federal Reserve Board a certified copy of a resolution of its board of directors signifying such desire. Upon receipt of such a resolution, the Federal Reserve Board, after satisfying itself that such bank has been relieved in accordance with State law of all duties as trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, committee of estates of lunatics or other fiduciary, under court, private, or other appointments previously accepted under authority of this subsection, may, in its discretion, issue to such bank a certificate certifying that such bank is no longer authorized to exercise the powers granted by this subsection. Upon the issuance of such a certificate by the Federal Reserve Board, such bank (1) shall no longer be subject to the provisions of this subsection or the regulations of the Federal Reserve Board made pursuant thereto, (2) shall be entitled to have returned to it any securities which it may have deposited with the State authorities for the protection of private or court trusts, and (3) shall not exercise thereafter any of the powers granted by this subsection without first applying for and obtaining a new permit to exercise such powers pursuant to the provisions of this subsection. The Federal Reserve Board is authorized and empowered to promulgate such regulations as it may deem necessary to enforce compliance with the provisions of this subsection and the proper exercise of the powers granted therein."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### DIRECTORS OF FEDERAL RESERVE BANKS IN CLASS B

The next business on the Consent Calendar was the bill (S. 4079) to amend section 4 of the Federal reserve act.

The Clerk read the title of the bill.



The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. I object, Mr. Speaker.

#### POLICING OF MILITARY ROADS NEAR THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 8140) to provide for the policing of military roads leading out of the District of Columbia, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA and Mr. SCHAFER of Wisconsin objected. Mr. McSWAIN. Will the gentleman withhold his objection a moment?

Mr. LAGUARDIA. I would do almost anything for the gentleman, but this bill is so vicious that the more I look at it the more I want to object to it.

Mr. MOORE of Virginia. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

Mr. MOORE of Virginia. Mr. Speaker, I would like to remind the gentleman from New York that this bill comes from the Committee on Military Affairs and I thought the gentleman was anxious that the bill should be considered in the regular way. I was informed, however, by the acting chairman of that committee that when the committee had its call it was the request of the gentleman from New York that it should not be brought up in that way.

Mr. LAGUARDIA. I want to fight it in every honorable, parliamentary way. Perhaps the gentleman can get the President to call an extra session for its consideration.

Mr. MOORE of Virginia. The gentleman is very facetious and sarcastic, according to custom.

Mr. LAGUARDIA. I am sorry.

Mr. QUIN. What bill is this?

Mr. MOORE of Virginia. It is a bill to police the roads in Arlington County that are in the exclusive jurisdiction of the Government and not under the jurisdiction of the State of Virginia. They run through Government land, and it was shown in the hearings that its policing can be done at an expense of \$6,500.

Mr. QUIN. This was a unanimous report of the committee?

Mr. MOORE of Virginia. Yes; so far as I know.

#### OPERATION AND MAINTENANCE OF BATHING POOLS IN THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (S. 4224) to provide for the operation and maintenance of bathing pools under the jurisdiction of the Director of Public Buildings and Parks of the National Capital.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLLINS. Mr. Speaker, reserving the right to object—

Mr. ZIHLMAN. I will be pleased to give the gentleman any information about the bill I can.

Mr. COLLINS. I do not like the idea of selecting one concern and giving it this concession without advertisement.

Mr. ZIHLMAN. That is the purpose. This organization, with which the gentleman is familiar, the Welfare and Recreational Association of Public Buildings and Grounds, has been conducting the concessions in connection with places of public recreation.

Mr. COLLINS. But this bill designates one concern to take over these privileges? No bidding is provided.

Mr. ZIHLMAN. I think that is done by the director.

Mr. COLLINS. The concession for the golf courses was let without competitive bidding. I do not want that practice repeated again. Unless the gentleman is willing to rewrite the bill and permit it to be let under competitive conditions, I shall have to object.

Mr. ZIHLMAN. I will say to the gentleman it is my understanding that unless some such legislation is passed it will be impossible for these pools to open during the present season.

Mr. COLLINS. I doubt if any of these pools have any value anyway. I know that they breed disease and many doctors condemn them, and urge their patients to stay out of them.

Mr. ZIHLMAN. Of course, that is the gentleman's own idea and when he refers to the chairman of the committee, I may say we have nothing to do with this. This is under the direction of the Superintendent of Public Buildings and Grounds.

Mr. COLLINS. If the gentleman will accept an amendment permitting these pools to be let out upon competitive bidding I shall not object.

Mr. ZIHLMAN. I have no objection.

Mr. LAGUARDIA. Do not do that.

Mr. STAFFORD. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. STAFFORD. By reason of the character of the facilities and the service to be given, I question whether it is not advisable to consider the personal equation as to who the concessionaire should be. We have certain bathing pools and the personal equation enters into the matter very directly. If the commissioners award this concession to a reputable person and provide that reasonable charges shall be made, I think that is sufficient so far as protecting the public welfare is concerned. The main thing is not the amount of money that can be obtained, but the service that can be given to those in the District who have not the advantages of bathing facilities.

Mr. COLLINS. The District can get proper service by requiring sufficient bond.

Mr. SIMMONS. Will the gentleman yield?

Mr. STAFFORD. The gentleman from Nebraska has much more acquaintance with conditions in the District of Columbia than I have.

Mr. COLLINS. I know something about them, too. I, along with the gentleman from Nebraska, have something to do with the District appropriations bill.

Mr. SIMMONS. Here is the difficulty with this whole set-up. They have set up a dummy corporation operating within the public buildings and parks made up, as I understand it, of officials under Colonel Grant, and that corporation, which is this so-called welfare corporation, contracts with the public buildings and parks officials. One official is a public buildings and parks official contracting with his own subordinates as officials of this welfare association to carry on these recreational activities. In turn, the profits, while spent for recreational activities supposedly, are not subject either to the check of the auditor or the check of the Budget Bureau or to the check of Congress in its expenditures, and, in turn, I am told that some very remarkable profits are being made by those to whom they grant concessions.

Mr. COLLINS. There is no doubt about that.

Mr. JOHNSON of Washington. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. I object.

#### ASHER CROSBY HINDS

Mr. CANNON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on a ceremony that took place at Benton Falls, Me., the birthplace of Hon. Asher C. Hinds, for 16 years the parliamentarian of the House.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CANNON. Mr. Speaker, on Thursday, May 29, 1930, a ceremony of more than passing interest to the Members of the House took place at Benton Falls, Me., the birthplace of Hon. Asher C. Hinds, for 16 years parliamentarian of the House, the author of Hinds' Precedents, and a distinguished Member of the Sixty-third, Sixty-fourth, and Sixty-fifth Congresses.

Recently in furnishing the school in which Asher Hinds received his early education, the desk at which he studied as a boy was discovered and identified by his name in his own handwriting. As a tribute to the memory of this honored alumnus of the school it was decided to permanently preserve the desk to be designated by an appropriate marker.

I ask unanimous consent to place in the RECORD my remarks read as part of the ceremonies on the occasion of the unveiling of the memorial.

Mr. Chairman, it is most appropriate that the native city of Asher Crosby Hinds should place a tablet on the desk he used as a student in its public school and should permanently preserve this appealing relic of his boyhood as a memorial to his achievements and to the high place he occupied in the regard of his fellow citizens and the service of his country.

The richest heritage of a community lies not in the wealth of its material resources, the architecture and beauty of its buildings, or the extent of its boundaries and population but in the treasured memories of those who, reared within its homes and schools, the product of its moral and educational institutions, have risen to greatness and brought honor and renown to the city and its citizenship.

Any people which does not remember its great men and commemorate their virtues and their deeds does not deserve to produce men entitled to remembrance or deeds and virtues worthy of commemoration. And Benton, in honoring its distinguished citizen, Asher Crosby Hinds, honors itself and emphasizes those qualities of mind and heart to which the youth of to-morrow must aspire if they would emulate his illustrious example.

But, as fitting as this ceremony is, it can not limit the fame and citizenship of the boy who once sat at this desk preparing for his life's work to the geographical confines of this city. Asher Hinds belongs



not only to Benton but to Maine and to the country at large. He went from this desk to the service of a nation. How incomparably he discharged the duties of that service is written through a period of more than two decades in the records and enactments of the greatest legislative body of the world.

With unerring precision and inspired vision he codified, for the first time since Jefferson, the parliamentary practice and procedure of the national Congress. His great work on the parliamentary law of the House and Senate will remain for all time a monument in the field of parliamentary jurisprudence unapproached by contemporary authors and without a peer in parliamentary literature. His election to Congress from a district which has sent to the National House of Representatives many noted men would have been but the beginning of a still more notable career but for his untimely death while still at an age when he should have been in the prime of his extraordinary powers and at the zenith of his usefulness.

It is the glory of this city that it has produced a man of such attainments. His keenly analytical mind with its orderly and logical processes was trained in this school. His thoroughness and efficiency and the capacity for indefatigable labor, which contributed so materially to his success, were developed at this desk. And the nobility of character which distinguished his work, however trivial or however important, and won for him the friendship and regard of the great men of his country irrespective of party or section or creed, had its inception here under the environment and influence of the schools and churches and civic ideals of this community. His life and career constitute the highest encomium that could be written for any city.

What he accomplished any youth of this city may hope to accomplish. What he achieved any student of this school may aspire to achieve. And this marker placed here to-day by a loyal and appreciative constituency is a reminder not merely of momentous historical events. It is the visible token of a priceless heritage. It is a signpost to guide those who are to follow through all the years to come. There will never be another Asher Hinds. He can have no counterpart. But he will live again in the lives and deeds of those who, profiting by his example, emulate the ideals and service which this marker commemorates. [Applause.]

#### CONTRIBUTION OF THE UNITED STATES TO THE EXPENSE OF THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 11194) to determine the contribution of the United States to the expense of the District of Columbia, and for other purposes.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SIMMONS. I object.

#### AMENDING SECTION 16 OF THE RADIO ACT OF 1927

The next business on the Consent Calendar was the bill (H. R. 12599) to amend section 16 of the radio act of 1927.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER of Wisconsin. Reserving the right to object, I would like to ask some member of the committee if the bill does any more than to provide for the change in the procedure of appeal?

Mr. DAVIS. It does not; it is identical with a provision in the bill that we have unanimously passed through the House, but it is now pending in the other body.

Mr. LEHLBACH. We passed some weeks ago a bill amending in various particulars 11 sections of the radio act. That bill passed the House unanimously. It is now in the Senate, and it is impossible to reach it.

Now, with respect to regulating appeals, changing the procedure with respect to appeals, I have for that reason introduced this bill with the hope that if it can be reached and passed, as I hope it will be, the Senate can agree to it by unanimous consent.

Mr. LaGUARDIA. And there is no controversy about this provision?

Mr. LEHLBACH. No; except this: Some people who are interested in appeals that have been already filed felt that this might be construed as restricting their rights or interfering with their rights, and so I have agreed to introduce the following amendment. After the bill to strike out the period and insert a colon and the following:

*Provided, however,* That this section shall not relate to or affect bills which were filed in said court of appeals prior to the enactment of this amendment.

Which is perfectly fair, and would be the construction I think without the amendment.

Mr. SCHAFER of Wisconsin. There is nothing in this bill which, directly or indirectly, authorizes a transfer of the powers of the Department of Commerce?

Mr. LEHLBACH. No; it merely clarifies the procedure and defines the exact jurisdiction of the court with respect to the subject matter involved in the appeal.

Mr. LaGUARDIA. It is a part of the bill that has already passed the House?

Mr. LEHLBACH. Yes.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. LEHLBACH. I yield.

Mr. CHINDBLOM. As I recall it the present law provides that the Court of Appeals for the District of Columbia, in hearing a case brought by appeal from the Radio Commission, may hear evidence de novo in addition to the record brought up from the Radio Commission.

Mr. LEHLBACH. That was not the intention of the act but that was the construction, and this bill eliminates it.

Mr. CHINDBLOM. I am glad the committee has seen fit to do that because the result of the present law has been that the court has substituted its finding of facts for the findings of the commission.

Mr. JOHNSON of Washington. Regular order, Mr. Speaker. The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 16 of the radio act of 1927 (U. S. C., Supp. III, title 47, sec. 96) is amended by striking out the whole of said section and by inserting in lieu thereof the following:

"Sec. 16. (a) An appeal may be taken, in the manner hereinafter provided, from decisions of the commission to the Court of Appeals of the District of Columbia in any of the following cases:

"(1) By any applicant for a station license, or for renewal of an existing station license, or for modification of an existing station license, whose application is refused by the commission.

"(2) By any licensee whose license is revoked, modified, or suspended by the commission.

"(3) By any other person, firm, or corporation aggrieved or whose interests are adversely affected by any decision of the commission granting or refusing any such application or by any decision of the commission revoking, modifying, or suspending an existing station license.

"Such appeal shall be taken by filing with said court within 20 days after the decision complained of is effective, notice in writing of said appeal and a statement of the reasons therefor, together with proof of service of a true copy of said notice and statement upon the commission. Unless a later date is specified by the commission as part of its decision, the decision complained of shall be considered to be effective as of the date on which public announcement of the decision is made at the office of the commission in the city of Washington.

"(b) The commission shall thereupon immediately, and in any event not later than five days from the date of such service upon it, mail or otherwise deliver a copy of said notice of appeal to each person, firm, or corporation shown by the records of the commission to be interested in such appeal and to have a right to intervene therein under the provisions of this section, and shall at all times thereafter permit any such person, firm, or corporation to inspect and make copies of the appellant's statement of reasons for said appeal at the office of the commission in the city of Washington. Within 30 days after the filing of said appeal the commission shall file with the court the originals or certified copies of all papers and evidence presented to it upon the application involved or upon its order revoking, modifying, or suspending a license, and also a like copy of its decision thereon, and shall within 30 days thereafter file a full statement in writing of the facts and grounds for its decision as found and given by it, and a list of all interested persons, firms, or corporations to whom it has mailed or otherwise delivered a copy of said notice of appeal.

"(c) Within 30 days after the filing of said appeal any interested person, firm, or corporation may intervene and participate in the proceedings had upon said appeal by filing with the court a notice of intention to intervene and a verified statement showing the nature of the interest of such party, together with proof of service of true copies of said notice and statement, both upon appellant and upon the commission. Any person, firm, or corporation who would be aggrieved or whose interests would be adversely affected by a reversal or modification of the decision of the commission complained of shall be considered an interested party.

"(d) At the earliest convenient time the court shall hear and determine the appeal upon the record before it, and shall have power, upon such record, to enter a judgment affirming or reversing the decision of the commission, and, in event the court shall render a decision and enter an order reversing the decision of the commission, it shall remand the case to the commission to carry out the judgment of the court: *Provided, however,* That the review by the court shall be limited to questions of law and that findings of fact by the commission, if supported by substantial evidence, shall be conclusive unless it shall clearly appear that the findings of the commission are arbitrary or capricious.



The court's judgment shall be final, subject, however, to review by the Supreme Court of the United States upon writ of certiorari on petition therefor under section 347 of title 28 of the Judicial Code by appellant, by the commission, or by any interested party intervening in the appeal.

"(c) The court may, in its discretion, enter judgment for costs in favor of or against an appellant, and/or other interested parties intervening in said appeal, but not against the commission, depending upon the nature of the issues involved upon said appeal and the outcome thereof."

Mr. LEHLBACH. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

At the end of the bill strike out the period and insert a colon and the following language:

"Provided, however, That this section shall not relate to or affect appeals which were filed in said court of appeals prior to the enactment of this amendment."

Mr. LaGUARDIA. Mr. Speaker, I take the floor to suggest that on Consent Calendar day we must have some discussion, some interchange of views within a reasonable limit.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. MOORE of Virginia. The gentleman a while ago declined to have any interchange of opinion on a bill in which I was interested.

Mr. LaGUARDIA. The gentleman is quite right.

Mr. MOORE of Virginia. I suggest that we at least limit the talk of the gentleman from New York, which occupies a great part of the time.

Mr. LaGUARDIA. If the gentleman is going to demand the regular order when we are trying to arrive at a conclusion on a bill, it is not right.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield to me?

Mr. LaGUARDIA. Yes; because I refer to the gentleman.

Mr. JOHNSON of Washington. When a proposition is completely stated once around, it seems to me to be entirely unnecessary to state it all the way around once more, and that is the reason, and the only reason, I ask for the regular order, and under similar circumstances shall continue to do so.

Mr. STAFFORD. The gentleman does not believe in having a merry-go-round.

Mr. JOHNSON of Washington. No.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. DAVIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the bill just passed.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. DAVIS. Mr. Speaker and Members of the House, I am much gratified by the passage of this bill to amend—in fact, rewrite—the appeal section of the present radio act. It is not only in the interest of the public, but in the interest of orderly procedure. I never did like the language of section 16 of the radio act. When the bill culminating in that act was being considered, I criticized the appeal provision both in the committee and in the House. I insisted that the provision was ambiguous and would prove unsatisfactory and ineffective. In my minority views filed on said bill in the Sixty-ninth Congress, in discussing the appeal provision, which the bill we have just passed supplants, I declared that "the opportunity for a review is a shadowy one, indeed."

In suggesting a number of amendments to the pending bill in said minority views, I stated with respect to the appeal provision:

I further suggest that any person in interest feeling aggrieved should have the right of appeal from the action of the commission to the Court of Appeals of the District of Columbia or some other Federal court, and that such court have the right of review of the questions at law, but that the findings of fact of the commission shall be conclusive.

Under its interpretation of the appeal provision in the existing law the Court of Appeals of the District of Columbia assumed to perform the function of a superradio commission, substituting its judgment and discretion for that of the Federal Radio Commission. The Supreme Court upheld the court of appeals in this interpretation, and also held that the judgment of the court of appeals was final, as the appeal provision in the law had in effect made an administrative body of the court of appeals, instead of granting appeals from the Radio Commission

to the court of appeals as an appellate court, so that the Supreme Court was not given jurisdiction of such appeals, and the Supreme Court would not grant a writ of certiorari to bring such a case before the Supreme Court.

The bill just passed is substantially in accord with my views and suggestions made over four years ago, when the matter was then under consideration. My position then has been fully vindicated. You know it is sometimes gratifying to be able to say, "I told you so."

#### ADDITIONAL DISTRICT JUDGE, EASTERN DISTRICT OF MISSOURI

The next business on the Consent Calendar was the bill (H. R. 12347) to provide for the appointment of an additional district judge for the eastern district of Missouri.

The SPEAKER pro tempore. Is there objection?

Mr. GREENWOOD. Mr. Speaker, I see there is no recommendation here in connection with this report from the Attorney General or from the conference of senior judges. I do not believe there is any necessity for an additional judge or there would be such reports from both.

Mr. PALMER. Mr. Speaker, the report is already on file, the report of the Attorney General for 1929, which shows that there were pending at the close of business on June 30, 1929, 120 civil cases, 278 criminal cases, and 396 bankruptcy cases, and that during the period from June 30, 1928, to June 30, 1929, 1,119 criminal cases were commenced, and 1,097 were terminated. There is evidently a great demand for relief of such a congested condition.

Mr. GREENWOOD. That does not leave any more unfinished criminal cases than in the average district court. If there were sufficient reason for an additional judge, at least the recommendation of the Attorney General and the conference of judges would be here to say so. I ask unanimous consent that the bill be passed over without prejudice.

Mr. COCHRAN of Missouri. Mr. Speaker, will the gentleman withhold that for a moment?

Mr. GREENWOOD. Yes.

Mr. PALMER. If there is any necessity for a new judge anywhere, it is in this district.

Mr. COCHRAN of Missouri. I call the attention of the House to this report. It gives us some information as to law enforcement in a large city. The report shows, and this district includes the city of St. Louis and about 50 counties in Missouri, that there were 1,119 criminal cases before that court in one year, and 1,097 were terminated. I state this to bring out the fact that that shows beyond any question of doubt that the violators of the laws of the country are being prosecuted in the large cities of the country.

Mr. GREENWOOD. I think that shows that there are no more criminal cases disposed of than in the average district court.

Mr. COCHRAN of Missouri. We have two wonderful judges in St. Louis—Judge Faris and Judge Davis—men who work hard, night and day.

My colleague, Mr. DYER, the author of the bill, no doubt can give you what information has been sent to him about the necessity for the additional judge. The report of the Attorney General clearly indicates how the work of the court is handled. I know Judge Faris and Judge Davis work mighty hard. No better judges can be found on the Federal bench.

The gentleman from West Virginia [Mr. BACHMANN], who as a member of the Judiciary Committee made the investigation as to the conditions of the docket in the various Federal courts, tells me the department communicated with the senior circuit judge of the eighth circuit, Judge Stone, and in response he reported that an additional judge to serve in both the eastern and western districts of Missouri was needed, or words to that effect. If Judge Stone, who is my personal friend, made such a recommendation, and I am sure he did from what Mr. BACHMANN says, I know the judge must be needed. I was in Judge Stone's company several times when he was here last fall for the meeting of the senior circuit judges, but this question was not discussed then because no bill had been introduced.

So far as I know, no one has been denied a trial in St. Louis due to the congestion of the docket, or at least I have heard no complaints; but this condition can be attributed to the hard work of the two judges now sitting in the eastern district. The gentleman from Indiana [Mr. GREENWOOD] says he would not object to the bill if it provided for one judge to alternate between the eastern and western districts of Missouri. I can not speak for my colleague, but no doubt he will discuss the matter with the gentleman.

Mr. PALMER. Mr. Speaker, will the gentleman yield?

Mr. GREENWOOD. Yes.

Mr. PALMER. This is recommended favorably by the committee pursuant to the recommendation of the Enforcement



Commission. There is evidently adequate demand for this measure.

Mr. GREENWOOD. The statement the gentleman himself read shows that almost as many criminal cases were disposed of as were filed. There are no more criminal cases pending there unfinished than in the average district court.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana that the bill be passed over without prejudice?

There was no objection.

ADDITIONAL DISTRICT JUDGE, EASTERN DISTRICT OF MICHIGAN

The next business on the Consent Calendar was the bill (H. R. 12350) to provide for the appointment of an additional district judge for the eastern district of Michigan.

The Clerk read the title of the bill?

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I see the distinguished gentleman from Michigan [Mr. MICHENER], who represents the district adjoining the city of Detroit, and I wish him to explain the need for this additional judge. I believe there are three district judges there at the present time.

Mr. MICHENER. That is true.

Mr. STAFFORD. In view of the industrial depression, particularly in the automobile industry, and the absolute cessation of business in some of the great motor industries, which naturally affects the court business of the eastern district of Michigan, particularly arising out of patents, what is the need for an additional judge? Perhaps when the committee recommended this bill with the prospect that business was on the upgrade and that the automobile industry would be as flourishing as years ago, they were justified in reporting this bill, in anticipation of the regular increment of work, but now, as the court work reflects business conditions, I would like to have the gentleman's opinion as to its present need.

Mr. MICHENER. Mr. Speaker, the gentleman is in error as to the work of the court reflecting prosperity. The rule generally is that there is more court business in hard times than in good times.

Mr. STAFFORD. That is true so far as losses from fire are concerned and bankruptcy, but as to business generally it is not so.

Mr. MICHENER. Litigation is usually heavier in United States district courts in hard times than in good times. The only explanation I can give the gentleman is included in the report. We have three judges there. The work is one year and a little better behind in criminal cases and in civil cases two years behind. No civil case can go to trial in the eastern district of Michigan which has not been on the calendar for two years. Not a single criminal case can be brought to trial which has not been on the calendar for at least one year. Now, if we are to relieve the congestion—

Mr. CRAMTON rose.

Mr. STAFFORD. I see the gentleman's colleague from Michigan rising. If there are cases requiring particularly early treatment from the Mount Clemens jurisdiction—

Mr. MICHENER. This bill provides for one additional judge for the eastern district of Michigan. The population of this district in 1920 was 2,456,743, and the pending census will undoubtedly show a population of well over 3,000,000 inhabitants. There are at present three judges in this district. No fault can be found in this district with the hours worked by the judges or with the length of vacations taken by the judges. The judges in few, if any, districts in the country devote more time and work harder to keep up the calendars than do the judges in the eastern district of Michigan.

The business of the Federal court in this district is constantly increasing. In this district is centered the great automobile industry of the country, which necessarily brings much work to this court. In addition, there is admiralty work because more tonnage passes through the Detroit River than through any one given point in the world. The proximity to the Canadian border brings many prohibition cases to this court, and a great city like Detroit, with its great industries, inherently is a source of much litigation which must be disposed of in the Federal court.

At the close of the fiscal year of June 30, 1928, there were pending in this district 468 United States civil cases; 1,241 cases were commenced during the year, and at the close of the year, June 30, 1929, 659 cases were pending. Criminal prosecutions pending on June 30, 1928, were 379, while criminal prosecutions pending at the close of June 30, 1929, were 410. In private litigation pending at the close of June 30, 1928, there were 529 cases, and at the close of June 30, 1929, there were 508 cases. At the close of the fiscal year 1928 there were pend-

ing 884 bankruptcy cases, and at the close of the fiscal year 1929 there were pending 761 bankruptcy cases.

Representative BACHMANN, of West Virginia, and a member of the Judiciary Committee, has within the last few weeks made a careful study of all of the judicial districts throughout the United States for the purpose of determining where real congestion in the courts exists, and where additional Federal judges are necessary to relieve this congestion. On April 22, 1930, Mr. BACHMANN presented to the House the result of his study, and his conclusions are found in the CONGRESSIONAL RECORD of that date. At the request of Mr. BACHMANN, the Department of Justice made inquiry from the presiding circuit judges of the several circuits, and photostatic copies of the replies of the presiding judges of the circuits were furnished to the Judiciary Committee. In answer to the inquiry asking for conditions in the eastern district of Michigan, the presiding circuit judge, Hon. Arthur C. Denison, wired the Department of Justice as follows:

There is probably no escape from asking another judge at Detroit, where congestion is getting worse.

In the opinion of the committee, the congestion in the eastern district of Michigan requires one additional judge.

The senior judge in the eastern district has wired as follows:

In my opinion, criminal calendar is in arrears for one year and civil calendar two years. Regular court hours are six hours a day; we often hold court for longer than these regular hours. We try to get 1 month vacation each year, but in 19 years I have been able to take only 3 real vacations—1 for 2 months and the other 2 for 1 month. Many patent cases are begun in other districts which could and should be brought here if we had more judges. I am confident that 2 judges could work hard with patent cases alone, 2 judges with criminal cases alone, and 1 judge with civil-law cases alone. We need more than one additional judge, and no one familiar with the situation would question the need of at least one in order to give litigants the service to which they are entitled.

Mr. STAFFORD. All the bills for additional New York judges were objected to.

Mr. MICHENER. This is not a personal matter with me.

Mr. STAFFORD. As I read the report, the judges there have kept up with the current business.

I notice there were 283 private suits begun and 317 terminated. However, there are 520 cases pending. I am a believer in not having litigation held up for years and years; and, although I think the three judges can take care of the current business, and more and more on account of the present business depression, yet I think there would be no injustice done in having another judge, and so I withdraw my objection.

Mr. SCHAFER of Wisconsin. The report shows there are a great many pending cases by reason of the Federal prohibition laws. The committee report says:

The business of the Federal court in this district is constantly increasing. In this district is centered the great automobile industry of the country, which necessarily brings much work to this court. In addition, there is admiralty work because more tonnage passes through the Detroit River than through any one given point in the world. The proximity to the Canadian border brings many prohibition cases to this court, and a great city like Detroit with its great industries, inherently is a source of much litigation which must be disposed of in the Federal court.

Each day we have legislation creating and imposing new and extraordinary tax burdens on the American people by reason of the sumptuary Federal prohibition laws. I shall not object to the consideration of this bill.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the President of the United States be, and he is hereby, authorized and directed to appoint, by and with the advice and consent of the Senate, an additional judge of the District Court of the United States for the Eastern District of Michigan.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ASSAY OFFICE AT DAHLONEGA, GA.

The next business on the Consent Calendar was the bill (H. R. 6998) to establish an assay office at Dahlonega, Lumpkin County, Ga.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the presentation of the bill?

Mr. JENKINS. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. ARENTZ. Mr. Speaker, the gentleman from Georgia [Mr. BELL] would like to say a few words about the bill.



Mr. JENKINS. I will withdraw my objection in order to give the gentleman from Georgia an opportunity.

Mr. LA GUARDIA. Mr. Speaker, I reserve an objection.

Mr. ARENTZ. I hope gentlemen will withhold their objections and give the gentleman from Georgia an opportunity.

Mr. LA GUARDIA. Mr. Speaker, I ask unanimous consent that the gentleman from Georgia be permitted to address the House for five minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BELL. Mr. Speaker and Members of the House, the bill introduced is for the purpose of establishing an assay office at Dahlonega, Ga.

In 1835 there was a mint established at Dahlonega, and it was one of the first in the United States. In 1861, just prior to the Civil War, this mint was burned. Just before the war there was about \$17,000,000 worth of gold taken out of the properties in and around Dahlonega. The Civil War came on and activities, of course, ceased. Our section of the country, as a matter of course, was in devastation and ruin. The people had to resort to farming in order to make a livelihood. Gold mining, as a matter of course, ceased for a number of years after the Civil War. After that, activities began again, and a large amount of gold was taken out of the lands and properties in that section of the country. Later, the Spanish-American War broke out and that stopped activities in gold mining in and around Dahlonega, but recently there has been a great deal of gold taken out of the properties in this section. In one week in February there were 10 pounds of gold taken out of one mine in Lumpkin County. The following week a Canadian company took out  $4\frac{1}{2}$  pounds of gold. It is hoped that this bill will pass for the reason that it will encourage the individual miners in that country.

Mr. CABLE. Will the gentleman yield?

Mr. BELL. I yield.

Mr. CABLE. Could the gentleman tell us about how much it would cost per year to maintain this office?

Mr. BELL. I think it will cost less than \$10,000 a year; that is, for the equipment.

Mr. CABLE. Is it not a fact that the so-called miners of Georgia could send their ore to New Orleans and have the samples assayed?

Mr. BELL. They have to do it.

Mr. CABLE. They can do that now?

Mr. BELL. They can by paying the transportation, which almost precludes the individual miners from sending ore to New Orleans.

Mr. ARENTZ. Will the gentleman yield?

Mr. BELL. I yield.

Mr. ARENTZ. We have assay offices in Carson City, Nev., Boise, Idaho, and Helena, Mont., and I think the gentleman on the Appropriations Committee, although I will not name him, is responsible for cutting the assay offices out of the appropriation bill, but they were inserted in the Senate. This assay office, contrary to what the gentleman from Georgia expects, will only take care of bullion and matt and things of that sort that are sent in. It will not take care of the individual assays. By that I mean, if a prospector picks up a rock and thinks it carries gold and sends it to the assay office, the Government assay officers will not analyze the individual samples and tell the prospector how much gold there is in the rock. The purpose of the assay office is not for that service. It simply analyzes bullion, the gold or silver that is in it; but as far as the assays which individuals send to the office are concerned, those must in turn be sent to a commercial chemist or assayer who, for a dollar, or a dollar and a half, or two dollars, up to five dollars, makes an analysis. But this Government assay office does not do that work. If the gentleman thinks by the establishment of that office in Georgia it will help the individual prospector who finds a sample on the ground and would like to find out whether it carries gold or silver, he is going to find himself without any help, because the assay office will not do that.

The SPEAKER pro tempore. The time of the gentleman from Georgia has expired.

Mr. BELL. Mr. Speaker, I ask unanimous consent to proceed for two additional minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. ARENTZ. Of course, the gentleman can word his bill different from the bill establishing the assay offices at Helena, Salt Lake City, and the other points in the West, but according to the wording of this bill, the work which the gentleman expects to be done will not be done.

Mr. BELL. I got my information from the Director of the Mint, who told me that the assays could be made and would be made there for gold or any other kind of ore, but that as a matter of course they would have to charge the prospector about a dollar for each assay; but they have to pay that now, as well as for the transportation of the ore.

Mr. ARENTZ. The transportation amounts to sending less than a quarter of a pound. That can be sent by parcel post for 2 cents or 4 cents down to New Orleans. That is all the sample that is required. You do not need to send 500 pounds or 10 pounds or even 1 pound.

Mr. GREEN. Does the gentleman want the assay offices discontinued in his section of the country?

Mr. ARENTZ. I will say that if the gentleman can establish an assay office to do the work that they think will be done, I should be for it.

Mr. GREEN. Are your offices doing it?

Mr. ARENTZ. No.

Mr. GREEN. Why not discontinue them, then?

Mr. ARENTZ. As I understand it, they are cutting them all out. I would like to see them all retained.

The SPEAKER pro tempore. The time of the gentleman from Georgia has again expired.

Mr. BELL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks as I desire to print in the RECORD some letters bearing upon the establishment of an assay office at Dahlonega, Ga. One letter from Dr. Craig Arnold, of Dahlonega, who is a practical miner and who has had 40 years' experience in gold mining in Mexico and in Georgia. Also a letter from Dr. Garland Peyton, director School of Mines at Dahlonega, to Hon. T. F. Christian, a prominent banker and business man in that section of Georgia, who also has had considerable experience in gold mining. I desire also to include a letter from Mr. Frank K. Gardner, of New York City. I shall include a letter from Mr. D. W. Thornton. This assay office should be established and, I believe, will be.

DAHLONEGA, GA., April 14, 1930.

HON. THOS. M. BELL, M. C.,

Washington, D. C.

SIR: You have requested me to give you an estimate of the probable amount of ores contained in this Appalachian system, and the approximate value thereof.

Gold ores are found from Hog Mountain in eastern Alabama at the extreme southern limit of this Appalachian Range to the Rincon Mountains in Nova Scotia northern range where it dips under the St. Lawrence Bay and outcrops again in that portion of Canada known as Quebec, where recent discoveries have opened up some of the richest mines found in America.

The width varies up to 10 miles although in places it exceeds this both in Georgia and North Carolina.

If we assume it to be limited to only 500 miles in length and only 1 mile in width, and allowing for 15 cubic feet to represent 1 ton, we have the enormous amount of 100,000,000 tons for every foot depth.

It is well known that the many millions so far recovered from this area have been limited to placer gold with the surface barely scratched, the deepest vertical shaft to my personal knowledge being less than 100 feet. We are without information as to the extent of the real depth to which these ores will go.

From my personal study of these deposits, based on my engineering training and living in this field for the past 30 years, I can positively affirm that the depth of these ore bodies will never be reached with any means in control of man.

It is not a question of the enormous tonnage beneath us, it has now resolved into the average value per ton, and it is this question alone that confronts us.

While many of these richer veins permeating the large ore bodies will assay into the thousands of dollars per ton, we are more interested in those ore bodies that run into the dollars per ton, and I state without fear of contradiction that \$5 per ton will be found to be a fair and conservative estimate of these sulphide ores.

In spite of the conservatism of these estimates we must have at least half a billion dollars for each foot in depth, and it is for this object that the world at large will welcome the establishment of an assay office under governmental regulations that accurate values may be obtained.

Yours truly,

CRAIG R. ARNOLD.

NEW YORK, April 5, 1930.

HON. THOMAS M. BELL,

House of Representatives, Washington, D. C.

DEAR SIR: I understood from Dr. C. R. Arnold, of Dahlonega, Ga., that you might be interested in an expression of opinion from me as to the situation with reference to the development of the Dahlonega section of the Appalachian gold deposits.



I was in and around Dahlonega from 1922 until 1926, working all the time on these gold deposits, and I think, probably, I know as much of their character and of their possibilities as anyone in the United States.

Unquestionably Dahlonega is the center of the most extensive deposits of low-grade gold ore in this country and probably in the world.

Records, of course, show that a great deal of gold has been taken out of Lumpkin County, and whether the low estimate of something like \$15,000,000 or the high estimate of \$30,000,000 or \$40,000,000 represents the true total, either amount is indicative of the immense total values yet remaining, for it is well known that only a small part of the surface of the district has been mined and there has been no deep mining whatsoever.

I made a failure of my efforts in Georgia, due to lack of capital and to the fact that I was not able to save the fine float gold that was carried away by the colloidal or "muddy" character of the surface deposits.

Since leaving Georgia in 1926, I have met with considerable success, and would be, I think, in a position to finance any undertaking that had a reasonable certainty of making money. Feeling that sooner or later this region would be an extensive gold-mining camp, I have, within the past year, spent time and a considerable amount of money in working out a metallurgical problem with reference to the gold recovery from the Dahlonega deposits.

I am now quite satisfied that I can save the gold that I formerly lost, and if this can be done there is no question as to the profits to be made from certain well-organized and well-managed mining operations in and around Dahlonega. It is my intention, therefore, to reenter this field as soon as possible.

I understand that you are interested in establishing a Government assay office at Dahlonega. This, I think, should be done. It perhaps does not mean a great deal to me personally, for I have my own laboratories, but at the same time it would, if and when I go to Georgia, be a decided help to me.

I do not expect, however, to develop the whole Dahlonega field, and if it is developed, as it deserves to be, then this assay office would be a most decided asset in opening up the territory.

The gold fields of Georgia are worth every consideration, and I think that this assay office could be used most advantageously and would be of great value to the work that must inevitably, sooner or later, be done.

Very truly yours,

FRANK K. GARDNER.

NEW YORK CITY, N. Y., April 8, 1930.

HON. THOMAS M. BELL, M. C.,

Washington, D. C.

DEAR SIR: May I be permitted a brief expression in re bill H. R. 6998, to establish an assay office at Dahlonega, Ga.

I have been interested in the possibilities of the recovery of gold and other mineral products in this locality since 1921. I believe I am fairly familiar with local conditions, the economic resources of the citizens, and the difficulties under which they labor in order to properly develop their holdings, or to adequately present the facts to the capitalistic world outside, and the tremendous wealth of undeveloped minerals contained in the gold-bearing strips that run through the States of Georgia and the Carolinas.

I do not hesitate to say—and this is based on nine years of close connection with the above-named districts—that I know of no place where capital can be invested to better advantage in mining than in the above-named areas. Like the petroleum-bearing areas of the western Pennsylvania system, the southeastern mining fields have been passed by in the rush for western fields, and as in the case of the Pennsylvania oil fields, greater returns for capital invested are lying, figuratively speaking, under our noses.

The establishment of an assay office in Dahlonega will stimulate the local mining industry and enable the small producers of gold to realize to the full the results of their labor, and these people sorely need all they can earn. It will be the means of establishing values on properties that the owners have not the ability or the resources to do under existing conditions. I believe that Dahlonega is the logical place for this office to be established, and that the beneficial results obtained therefrom will later lead to the establishment of another in the Carolinas.

My experience dates from 1902, about 20 years of this being spent in the service of British oil companies, working under the personal supervision of and in connection with such men as Sir Boverton Redwood, E. H. C. Craig, G. W. Halse, B. F. N. Macrorie, A. C. Carmody, and others, supplemented by special courses at Edinburgh, my work being the prelocation of petroleum before drilling.

The passage of the above bill will not in any way benefit me personally in a pecuniary way, but should be of immense benefit to the Southeastern States and the country at large.

Congratulating you on the introduction of so useful a measure, and hoping for its passage, I am,

Respectfully yours,

D. W. THORNTON.

DAHLONEGA, GA., April 5, 1928.

Mr. T. F. CHRISTIAN,

Dahlonega, Ga.

DEAR SIR: I wish to avail myself of this opportunity to express to you my willingness to cooperate with you in urging the enactment of the legislation necessary to the establishment of a Federal assay office at Dahlonega.

Being a mining engineer, and having held the position of director of the only school of mines in the State for the past 10 years, I have been in a position to appreciate, probably better than anyone else, just how much an institution such as this would mean to this section of the country.

Although Georgia and other Southern States are known to possess great mineral wealth, very little has been done to exploit and develop these resources. This is due largely, no doubt, to the fact that the people who constituted the first white population in these States were agriculturists and knew nothing about minerals and mining.

A Federal assay office at Dahlonega would not only enable the land-owners to determine, definitely, the existence and value of the economically important minerals on their lands, but it would also prove beneficial by helping to stimulate a greater interest among the young men of the South in the study of the development and marketing of these minerals.

I am, very truly yours,

GARLAND PEYTON,

Director School of Mines, Dahlonega, Ga.

Mr. BELL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. LaGUARDIA. I withdraw my reservation of objection for that purpose.

Mr. JENKINS. I withdraw my reservation of objection.

#### DIVISION OF JUDICIAL DISTRICTS, STATE OF WEST VIRGINIA

The next business on the Consent Calendar was the bill (H. R. 12095) to amend section 113 of the Judicial Code, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I would like to be certain whether this bill involves the holding of court at any places where court is not now held?

Mr. BACHMANN. I will say to the gentleman from Michigan that under the bill as it is drawn now, all places of holding court at the present time will be included in the new arrangement, but there is an amendment which the gentleman from West Virginia [Mr. WOLVERTON] expects to offer, transferring one of the counties, which will permit the holding of court at Weston, where there is a county courthouse. Court can be held there without any additional expense to the Government, so I am informed.

Mr. CRAMTON. That is, there is a Federal court room.

Mr. BACHMANN. No; but provision has already been made for the erection of a building at Weston, and court can be held in the courthouse until that is completed.

Mr. CRAMTON. The deficiency bill which has just gone through carries an appropriation for a public building at that place without a court room included?

Mr. BACHMANN. I will have to yield to the gentleman from West Virginia [Mr. WOLVERTON] on that. All I know is that provision has been made to build a building at Weston.

Mr. CRAMTON. It would cost twice as much to build a building with a court room included as it would to build a post-office building. That is the reason I am interested.

Mr. WOLVERTON of West Virginia. I will say to the gentleman from Michigan that it was my intention to object to this bill. However, upon a rather thorough investigation, I am of the opinion that West Virginia needs this legislation at this time. My objection would have been lodged against the bill because of the allocation of the counties. My congressional district, I believe, is more affected than any other part of the State by this proposed legislation, but the gentleman from West Virginia [Mr. BACHMANN] has agreed to an amendment, and his agreement has removed my objection to this proposed legislation.

Mr. CRAMTON. If the gentleman will permit, here is what I am interested in: We have recently been considering appropriations for public buildings in the Committee on Appropriations. We have found that in many instances we have had to provide court-room space at a very high cost in towns where Federal court is only held two or three weeks in a year. It costs as much to provide a court room as it costs to erect a post-office building, and in cases where they only hold Federal court a few weeks in the year that does not seem wise. If we allow this legislation to pass and the law provides for the holding of court then there is nothing that our committee or the House can do but make the appropriation; hence, before



this bill passes I would like to know definitely what it is going to cost us in new court-room facilities.

Mr. WOLVERTON of West Virginia. I will say that in the county in which we seek to establish a court, where a court does not now exist under the old law, we have a very excellent county courthouse where the circuit court is held. This courthouse will accommodate the business of the proposed new Federal court. There is an appropriation provided in the second deficiency bill of \$150,000 to build a post-office building in the town of Weston.

Mr. CRAMTON. Does that appropriation have any reference at all to the creation of a court room?

Mr. WOLVERTON of West Virginia. It has nothing to do with the construction of a courthouse or the creation of a court room.

Mr. BACHMANN. I want to say to the gentleman from Michigan that I was very careful when I introduced this bill. I would not have introduced this bill if we had not had sufficient places to hold court and in the same places where we are now holding them, because I would not come on the floor of this House and advocate the passage of this bill if it later meant the building of additional courthouses, because we do not need additional courthouses at this time in which to hold Federal court in West Virginia. I had that in mind when this bill was drawn.

Mr. CRAMTON. The appropriation which has gone through for a post-office building at Weston, according to the statement of the gentleman from West Virginia [Mr. WOLVERTON], says nothing about a courthouse, and if this legislation should go through with the amendment suggested then about next winter there will be a request to raise the limit from \$150,000 to \$250,000 in order to provide space for the holding of Federal court.

Mr. BACHMANN. I will say to the gentleman from Michigan that as one Member of this delegation I shall oppose any movement of that kind, because it is not needed at this particular time. It is not necessary to build a courthouse in West Virginia for the purpose of holding Federal court.

Mr. CRAMTON. But if a courthouse building is ordered to be built there, then our committee is up against it. If the law orders a courthouse building to be erected at a place where court is only held a week or 10 days in the year, what are you going to do about it? The time to stop that is before a bill passes ordering court to be held there. I feel that to-day I would have to object to a bill going through that provided a new place for holding court, until we can investigate it a little further.

Mr. BACHMANN. This bill as it is now drawn, and without any amendment, does not create any additional expense in the way the gentleman refers to.

Mr. CRAMTON. But if consent is given, then the amendment suggested would be offered. How large a place is Weston and how much court would ever be held there?

Mr. WOLVERTON of West Virginia. Weston is a city of about 7,000 people. It is developing very rapidly, and I think the increase in population in the last 10 years has been about 2,000.

Mr. CRAMTON. How far is it from the nearest place where Federal court is held?

Mr. WOLVERTON of West Virginia. It is about 25 miles.

Mr. CRAMTON. Well, with automobiles, there is no occasion—

Mr. WOLVERTON of West Virginia. But the place nearest Weston where Federal court is held is in the northern district of the State, and under this bill Weston will be in the western district.

Mr. CRAMTON. Then how far will it be in the western district from a place where court is held?

Mr. WOLVERTON of West Virginia. About 60 miles.

Mr. CRAMTON. Why should it not be left in the district where it would be only 25 miles away?

Mr. WOLVERTON of West Virginia. It would not be a proper allocation of the counties. We are taking out of the proposed western district Harrison County, which is the chief county in my congressional district, with a population of about 75,000 people. This county is to be put in the northern district, under the agreement.

Mr. CRAMTON. What does the gentleman's amendment provide with reference to a place for holding court in Weston?

Mr. WOLVERTON of West Virginia. It provides for the holding of two terms of court each year at Weston. I do not remember the date of the terms of court.

Mr. CRAMTON. Would it be agreeable to the gentleman to submit his amendment somewhat in the form that so long as court room is furnished without expense, court may be held there?

Mr. WOLVERTON of West Virginia. I do not like to commit myself in that way.

Mr. CRAMTON. Suppose, then, we let the bill go over at this time—

Mr. BACHMANN. I will offer that amendment.

Mr. WOLVERTON of West Virginia. I have in mind the very thought the gentleman has discussed here. I believe Weston would be entitled to a Federal building that would accommodate a Federal court.

Mr. CRAMTON. Yes; that is just what I expected.

Mr. WOLVERTON of West Virginia. And it is my intention in the future to ask for an additional appropriation for that purpose.

Mr. CRAMTON. Then, Mr. Speaker, I ask unanimous consent that this bill may go over without prejudice.

Mr. BACHMANN. Will the gentleman withhold that a moment?

Mr. CRAMTON. I withhold it.

Mr. BACHMANN. I want to say to the gentleman from Michigan that I hope he will not do that in this instance. We are in a peculiar situation in West Virginia. We have 2 judges down in West Virginia who are doing one-fifth as much work as 17 judges are doing in the entire State of New York.

Mr. LaGUARDIA. What does the gentleman know about New York? The gentleman does not know anything about that.

Mr. BACHMANN. I am only making a comparison.

Mr. LaGUARDIA. Take some other State. I have trouble enough without having comparisons made with West Virginia.

Mr. BACHMANN. And I will say to the gentleman that this bill has the approval of the two judges of the circuit court of appeals of the fourth judicial circuit.

Mr. CRAMTON. The gentleman understands that I have no objection to the bill as a whole, but it is very apparent that the amendment proposed is leading up to a new Federal building to take care of the court, and that means \$100,000 or \$200,000, and there is no occasion for it.

Mr. WOLVERTON of West Virginia. If the gentleman will yield, I would like to make this statement: West Virginia has not asked for much in this Congress and is not getting very much. A Federal appropriation for a court room at Weston, in my opinion, is proper and necessary. This is a growing industrial community, and we need such legislation. Our courts are congested to the extent that business can not function properly, and, as I assert, West Virginia is not getting very much in the way of Federal building appropriations in this Congress.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. WOLVERTON of West Virginia. Yes.

Mr. SCHAFER of Wisconsin. Will some of that congestion be relieved when this court commissioner bill that the gentleman from West Virginia sponsored and backed up becomes law?

Mr. LaGUARDIA. That will increase the duties of the judges.

Mr. WOLVERTON of West Virginia. We hope it will, in a way, relieve congestion, but we do not believe it will relieve congestion to the extent of eliminating the necessity for another Federal judicial district in West Virginia.

Mr. LaGUARDIA. If the gentleman will yield, that bill provides for the judge to pass upon every recommendation of the commissioner.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I wish to direct an inquiry to the author of the bill as to the status of litigation in these two districts. I have been making this inquiry with respect to all these bills with respect to the judiciary, having given some previous consideration to them in connection with the report of the Attorney General of last year. I ask this question in view of the report of the gentleman from West Virginia that there is much more business carried on in these districts than in the districts of New York.

I find that in the northern district of West Virginia that of private cases there were but 51 suits begun during the year 1929 and 51 ended, a very small number compared with the litigation in other districts throughout the country.

In the southern district I find 115 cases begun and 137 terminated. They made some headway there. There were only 130 cases pending in the southern district on June 30, 1928. The gentleman says that they are overcrowded with work in these districts, with 51 private cases begun and 51 private cases disposed of. I have been analyzing these increased judgeship cases by the increase in private litigation, and I would like to hear from the gentleman, especially in view of the showing in the report of the Attorney General with respect to the northern district and the southern district.

Mr. BACHMANN. I will be very glad to answer the gentleman from Wisconsin. It is true that at the end of the fiscal year 1929 there were 52 what he calls private cases commenced in the northern district of West Virginia.



During the same period in the northern district there were 54 cases completed.

In the southern district there were 115 cases commenced and 137 completed.

But the gentleman has not read the civil cases that are in addition to the private litigation, and the gentleman must appreciate that the litigation we have in our Federal courts is litigation in many instances growing out of the coal industry down there, and this involves cases that represent large sums of money and long and tedious litigation.

In addition to this, we have a large number of criminal cases that we have to dispose of, and the court in taking time to dispose of these criminal cases has had to neglect the disposition of the civil cases on the docket.

Mr. STAFFORD. Do these judges give their exclusive time to litigation arising in West Virginia?

Mr. BACHMANN. They give all of their time to it. I want to read a letter from the judge of the northern district. He says, "I have not been able to keep up with the work. I am holding court continually, and have not had an opportunity to rest for four years." I also have a letter from the other judge from the southern district.

Mr. STAFFORD. They are middle-aged virile men, giving all their attention to the work?

Mr. BACHMANN. They are very industrious judges and work hard. In a letter from the judge in the southern district he says that he is compelled to work Sundays and evenings in order to keep up with his work.

Mr. STAFFORD. Mr. Speaker, in view of the showing of the work these judges are doing I think they are in need of an additional judge, and I withdraw my reservation.

Mr. SCHAFER of Wisconsin. Reserving the right to object, I want to ask the gentleman if the increase in criminal cases which he has alluded to in this district does not result from the Federal prohibition laws? Is not the bill before us asking for an additional judge caused by the additional burden put upon the courts by the increase of violations of the prohibition law?

Mr. BACHMANN. I can only give to the gentleman the number of criminal cases we have to dispose of and the fact that I made a statement in the House some time ago that 90 per cent of the criminal cases were prohibition cases.

Mr. SCHAFER of Wisconsin. And you would not be here pleading for an extra judge, pleading with the dry Congressmen from Michigan to help furnish an extra judge, if it were not for the prohibition law.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. Reserving the right to object—

Mr. STAFFORD. There is a request pending for the bill to be passed over without prejudice.

Mr. SCHAFER of Wisconsin. I shall object to that.

Mr. CRAMTON. Reserving the right to object, I want to make a short statement. I am in sympathy with the bill, but the gentleman from West Virginia says that he intends to offer an amendment for another place to hold court, manifestly looking to another appropriation for a public building for that purpose. As a matter of economy, and in accord with the policy I have followed in similar cases, I can not agree to that amendment. I suggest that he make his amendment to provide that court be held there so long as it can be held without expense to the Government for quarters.

Mr. WOLVERTON of West Virginia. I would not like to be put in the position of accepting that suggestion, for if in the future this community should develop to the extent that it was thought proper that there ought to be a Federal building there to accommodate the court we ought to have it.

Mr. CRAMTON. Congress could at any time authorize a building, but I infer that the gentleman has some idea of coming in at the next session and asking that the \$150,000 be increased to \$250,000 in order to get a court building.

Mr. WOLVERTON of West Virginia. Would there be anything unfair in that?

Mr. CRAMTON. I think it would in the present condition of the Treasury.

Mr. BACHMANN. We will accept the amendment.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 113 of the Judicial Code, as amended (U. S. C., title 28, sec. 194), is amended to read as follows:

"SEC. 113. (a) The State of West Virginia is divided into three districts, to be known as the northern, western, and southern districts of West Virginia.

"(b) The northern district shall include the territory embraced on the 14th day of April, 1930, in the counties of Hancock, Brooke, Ohio, Marshall, Wetzel, Monongalia, Preston, Marion, Taylor, Barbour,

Tucker, Grant, Mineral, Morgan, Hampshire, Berkeley, Jefferson, Hardy, Randolph, Pendleton, and Upshur.

"(c) Terms of the district court for the northern district shall be held at Martinsburg on the first Tuesday in April and the second Tuesday in September in each year; at Wheeling on the fourth Tuesday in April and the fourth Tuesday in September in each year; at Elkins on the first Tuesday in June and the third Tuesday in November in each year.

"(d) The clerk of the court for the northern district of West Virginia shall maintain an office in charge of himself, a deputy, or a clerical assistant at each of the places of holding court within said district.

"(e) The western district shall include the territory embraced on the 14th day of April, 1930, in the counties of Tyler, Pleasants, Wood, Jackson, Mason, Roane, Wirt, Ritchie, Doddridge, Gilmer, Calhoun, Wayne, Lewis, Harrison, Lincoln, Cabell, Putnam, Mingo, and Logan.

"(f) Terms of the district court for the western district shall be held at Parkersburg on the first Tuesday in January and the first Tuesday in September in each year; at Williamson on the first Tuesday in March and the fourth Tuesday in September in each year; at Clarksburg on the second Tuesday in April and the third Tuesday in October in each year; at Huntington on the second Tuesday in May and the third Tuesday in November in each year.

"(g) The clerk of the court for the western district of West Virginia shall maintain an office in charge of himself, a deputy, or a clerical assistant at each of the places of holding court within said district.

"(h) The southern district shall include the territory embraced on the 14th day of April, 1930, in the counties of McDowell, Mercer, Wyoming, Raleigh, Boone, Fayette, Kanawha, Webster, Clay, Braxton, Nicholas, Pocahontas, Greenbrier, Summers, and Monroe.

"(i) Terms of the district court for the southern district shall be held at Bluefield on the third Tuesday in January and June in each year; at Lewisburg on the third Tuesday in March and September in each year; at Webster Springs on the fourth Tuesday in August in each year; at Charleston on the third Tuesday in April and November in each year.

"(j) The clerk of the court for the southern district shall maintain an office in charge of himself, a deputy, or a clerical assistant at each of the places of holding court within said district.

"(k) Each of the offices of the clerks in each of the districts aforesaid shall be kept open at all times for the transaction of the business of said courts in the respective districts and the clerks of the courts for the northern, western, and southern districts upon issuing original process in a civil action, shall make it returnable to the court nearest to the county of the residence of the defendant or of that defendant whose county is nearest to a court, and shall, immediately upon payment by the plaintiff of his fees approved, send the papers filed to the clerk of the court to which the process is made returnable; and whenever the process is not thus made returnable any defendant may, upon motion on or before the calling of the cause, have it transferred to the court to which it should have been sent had the clerk known the residence of the defendant when the action was brought.

"(l) That the district judge of the northern district of West Virginia as heretofore constituted, and in office at the time this act takes effect, shall be the district judge for the northern judicial district of West Virginia as constituted by this act. That the clerk, the district attorney, and the marshal of the district court in said northern district of West Virginia as heretofore constituted, and in office at the time this act takes effect, shall be the clerk, the district attorney, and the marshal of the district court of the northern judicial district of West Virginia as hereby constituted until their successors shall be appointed and qualified as provided by law. The assistant district attorneys, deputy marshals, deputy clerks, and referees in bankruptcy, resident in said northern judicial district of West Virginia as constituted by this act shall, within their respective jurisdictions in said northern judicial district, continue in office and continue to be such officers in such northern district until the expiration of their respective terms of office as heretofore fixed by law or until their successors shall be duly appointed and qualified as provided by law.

"(m) That the district judge of the southern district of West Virginia as heretofore constituted, and in office at the time this act takes effect, shall be the district judge for the southern judicial district of West Virginia as constituted by this act. That the clerk, the district attorney, and the marshal of the district court in said southern district of West Virginia as heretofore constituted, and in office at the time this act takes effect, shall be the clerk, the district attorney, and the marshal of the district court of the southern judicial district of West Virginia as hereby constituted, until their successors shall be appointed and qualified as provided by law. The deputy marshals, deputy clerks, and referees in bankruptcy resident in said southern judicial district of West Virginia as constituted by this act, shall, within their respective jurisdictions in said southern judicial district, continue in office and continue to be such officers in such southern district until the expiration of their respective terms of office as heretofore fixed by law or until their successors shall be duly appointed and qualified as provided by law.



"(n) That the President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge who is a resident of the State of West Virginia for the western judicial district of West Virginia who, when appointed and qualified as provided by law, shall possess and exercise all the powers conferred by existing law upon judges of the district courts of the United States, and who shall, as to all business and proceedings arising in said western judicial district as hereby constituted or transferred thereto, succeed to and possess the same power and perform the same duties within said western judicial district as are now possessed by and performed by the district judges for the northern district of West Virginia and the southern district of West Virginia, respectively.

"(o) That the district attorney now district attorney for the southern district of West Virginia and the assistant district attorneys now in the said southern district shall be and continue the district attorney and assistant district attorneys of the western judicial district of West Virginia as hereby constituted until their successors shall be appointed and qualified as provided by law.

"(p) That the President of the United States, by and with the advice and consent of the Senate, shall appoint a marshal for the western judicial district and a district attorney for the southern judicial district who shall be residents of the State of West Virginia and who shall, within their respective jurisdictions, possess and exercise all the powers conferred by existing law upon the marshals and district attorneys of the United States, respectively.

"(q) That all other officers of any of the district courts created or constituted by this act holding any office in a district other than that of their residence shall cease to be such officers when their successors are appointed and qualified: *Provided*, That the assistant district attorney, the deputy marshal, and the deputy clerks and referees in bankruptcy, and United States commissioners, resident of the western district as constituted by this act, shall continue in office and continue as such officers in such western district until the expiration of their respective terms of office, as heretofore fixed by law, or until their successors shall be duly appointed and qualified as provided by law.

"(r) That the office of marshal and district attorney in each of said districts, deputy marshals and assistant district attorneys, and all other officers authorized by law and made necessary by the creation of said three districts and the provisions of this act, and all vacancies created thereby in any of said districts as constituted by this act, shall be filled in the manner provided by existing law. The salaries, pay, fees, and allowances of the judges, district attorneys, marshals, clerks, and other officers in said districts, until changed under the provisions of existing law, shall be the same, respectively, as now fixed by law for such officers in the judicial districts of West Virginia as heretofore constituted.

"(s) That all causes and proceedings of every name and nature, civil and criminal, now pending in the courts of the northern judicial district of West Virginia and the southern judicial district of West Virginia, as heretofore constituted, respectively, whereof the courts of the western judicial district of West Virginia as hereby constituted would have had jurisdiction if said latter district and the courts thereof had been constituted when said causes or proceedings were instituted, shall be, and are hereby, transferred to and the same shall be proceeded within the western judicial district of West Virginia as hereby constituted, and jurisdiction thereof is hereby transferred to and vested in the court of said western judicial district and the judge thereof, and the records and proceedings therein and relating to said proceedings and causes herein and hereby transferred shall be certified and transferred thereto: *Provided*, That all motions and causes submitted and all causes and proceedings, both civil and criminal, including proceedings in bankruptcy, now pending in said northern judicial district of West Virginia, and said southern judicial district of West Virginia, respectively, as heretofore constituted, in which the evidence has been taken in whole or in part before the present district judge of either of the judicial districts of West Virginia as heretofore constituted, or taken in whole or in part and submitted and passed upon by the judge of either of said districts, shall be proceeded with and disposed of in the district and by the judge of the court having jurisdiction of said cause or proceeding prior to the passage of this act.

"(t) That the terms of said courts shall not be limited to any particular number of days nor shall it be necessary to adjourn by reason of the intervention of a term elsewhere; but the court intervening may be adjourned until the business of the court in session is concluded.

"(u) That all prosecutions for crimes or offenses hereafter committed in any of said districts shall be cognizable within the district in which committed, and all prosecutions for crimes or offenses committed before the passage of this act in which indictments have not been found or proceedings instituted shall be cognizable within the district as hereby constituted in which such crimes or offenses were committed.

"(v) That all laws and parts of laws, so far as inconsistent with provisions of this act, are hereby repealed."

Amend the title so as to read: "A bill to amend section 113 of the Judicial Code, as amended (sec. 194, title 28, U. S. C.)." With the following committee amendments:

On page 6, line 6, after the word "the" insert the following words: "western judicial district of the."

On page 7, line 3, strike out the word "western" and insert in lieu thereof the word "southern."

On page 7, line 5, after the word "the" insert the words "southern judicial district of the."

On page 7, line 13, after the word "That" insert the words "the district attorney" and a comma, and in the same line strike out the word "attorney" and insert in lieu thereof the word "attorneys."

On page 1, line 3, after the word "amended" insert the following in parenthesis: "Sec. 194, title 28, U. S. C."

The committee amendments were agreed to.

Mr. WOLVERTON of West Virginia. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 2, line 3, after word "and," strike out "Upshur" and insert "Harrison."

The amendment was agreed to.

Mr. WOLVERTON of West Virginia. I offer the following amendment.

The Clerk read as follows:

Page 2, line 18, after the word "Lewis," strike out "Harrison" and insert "Upshur."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment by Mr. Wolverton: Page 2, line 24, after the word "at," strike out the word "Clarksburg" and insert the word "Weston."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. CRAMTON. Mr. Speaker, I offer the following as a substitute for the amendment offered by the gentleman from West Virginia.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON in the nature of a substitute: Page 2, line 24, after the word "year," strike out the words "at Clarksburg" and insert "so long as quarters for such purpose at Weston are furnished without expense to the United States, at Weston."

The SPEAKER pro tempore. The question is on the substitute offered by the gentleman from Michigan.

The substitute was agreed to.

The SPEAKER pro tempore. The question is on the amendment as amended.

The amendment as amended was agreed to.

Mr. BACHMANN. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BACHMANN: Page 2, line 7, after the word "the," where it occurs the first time, strike out "fourth Tuesday in April" and insert "second Tuesday in May."

The amendment was agreed to.

Mr. BACHMANN. I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. BACHMANN: Page 2, line 8, after the word "the," strike out the word "first" and insert the word "second."

Mr. LAGUARDIA. Mr. Speaker, I rise in opposition to the amendment. I know the gentleman from West Virginia [Mr. BACHMANN] has worked very hard on these bills, and he knows the great pains the Committee on the Judiciary takes with every one of these judges bills. It is a very dangerous precedent to seek to amend a bill of this kind on the floor of the House. I know the difficulties under which the gentleman is laboring, but bills of this kind, changing terms of court and places of holding court should not be amended on the floor of the House. The committee goes into these matters, together with the Department of Justice, and endeavors to perfect a bill of this kind in the committee and not on the floor.

Mr. BACHMANN. I agree with what the gentleman says, but this amendment was proposed after the bill had come out of committee, and I wrote to the Federal judges about the proper times of holding court, and these amendments are only perfecting amendments as to fixing the times of holding court



necessitated by the amendment offered by the gentleman from West Virginia [Mr. WOLVERTON].

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from West Virginia.

The amendment was agreed to.

Mr. BACHMANN. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BACHMANN: Page 2, line 9, after the word "the," strike out "third" and insert "second."

The amendment was agreed to.

Mr. BACHMANN. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BACHMANN: Page 2, line 10, after the word "year," strike out the period, insert a semicolon and the following: "at Clarksburg on the first Tuesday in April and the second Tuesday in January."

The amendment was agreed to.

Mr. BACHMANN. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 10, line 4, after the word "repealed" add a new paragraph, as follows:

"This act shall take effect on January 1, 1931."

Mr. LAGUARDIA. Mr. Speaker, what is the purpose of that amendment?

Mr. BACHMANN. This session of the Congress is about to adjourn, and no one can be appointed and be confirmed in time to take up this business, and the judges from the northern and southern districts of West Virginia suggest that they have some time so that they can better arrange the business which will have to be transferred to the new district.

Mr. LAGUARDIA. By reason of these changes?

Mr. BACHMANN. Yes.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SHOTT of West Virginia. Mr. Speaker, I offer the following amendments which I send to the desk.

The Clerk read as follows:

Amendment by Mr. SHOTT of West Virginia: Page 2, line 3, after the comma add the word "Pendleton," insert "Harrison" and a comma.

Page 2, line 10, strike out the period after the word "year" and insert a semicolon and the following: "and at Clarksburg the first Tuesday in January and the first Tuesday in October in each year."

Page 2, strike out lines 15 to 19, inclusive, and insert in lieu thereof the following:

"(e) The western district shall include the territory embraced on the 14th day of April, 1930, in the counties of Mason, Wayne, Lincoln, Cabell, Putnam, Mingo, Logan, McDowell, Boone, Raleigh, Wyoming, Mercer, Summers, and Monroe."

Page 2, line 21, strike out the word "Parkersburg" and insert "Bluefield."

Page 2, line 22, strike out the word "September" and insert "June."

Page 2, line 24, beginning with the word "at," strike out down through the semicolon after the word "year" in line 1, page 3.

Page 3, strike out lines 7 to 11, inclusive, and insert in lieu thereof the following:

"(h) The southern district shall include the territory embraced on the 14th day of April, 1930, in the counties of Fayette, Kanawha, Webster, Clay, Braxton, Nicholas, Pocahontas, Greenbrier, Tyler, Pleasants, Wood, Jackson, Wirt, Roane, Calhoun, Gilmer, Ritchie, Doddridge, and Lewis."

Page 3, line 13, strike out the word "Bluefield" and insert "Parkersburg."

Mr. CRAMTON. Mr. Speaker, I rise in opposition to that amendment.

Mr. CHINDBLOM. That has already been done.

Mr. BACHMANN. This amendment will reallocate a number of the counties.

Mr. SHOTT of West Virginia. This arrangement of the counties in West Virginia would make more compact districts for these three judges, and we do not have to build any new courthouses for them, and the places of holding court are more accessible to the people. The amendment I offer is to change the way in which the State is divided into three judicial districts.

Mr. CRAMTON. Does the gentleman from West Virginia propose any new places for holding court?

Mr. SHOTT of West Virginia. Not a single new place. My amendment changes the districts by taking out certain counties

and putting in others in the three proposed districts of the pending bill.

Mr. STAFFORD. What advantage will there be by taking the litigation arising in Harrison County from the western and putting it in the northern district?

Mr. SHOTT of West Virginia. There is no use of separating West Virginia into three circuits unless you arrange the business of the courts so that it will relieve the southern and the northern districts. There is no use of cutting it into three equal divisions and undertaking in that way to relieve the congestion of the courts. You have to divide the State according to the business done and likely to arise.

Mr. STAFFORD. Do I understand that a great amount of litigation arises in Harrison County?

Mr. SHOTT of West Virginia. In the proposed southern district the county of Harrison would increase the congestion. We want to balance the northern district and, I think, Harrison ought to go into the northern district.

Mr. WOLVERTON of West Virginia. If the gentleman will yield, I believe I am as well acquainted with the situation in Harrison County as is the gentleman [Mr. SHOTT], who has offered this amendment. The principal place for holding court outside of Wheeling is at Clarksburg. The people residing in Harrison County desire to be in the northern district, as it is now situated. That is so because the court business comes mainly from the cities in the northern part of the district. The people of Harrison County would be very much aggrieved if they were left out of the northern district.

Mr. STAFFORD. I understand that, territorially, it would naturally be a part of the northern district.

Mr. JENKINS. What is the standing of Harrison County?

Mr. WOLVERTON of West Virginia. It is the fourth in population.

The gentleman from West Virginia [Mr. SHOTT] lives in the extreme southern end of the State.

Mr. MICHENER. May I ask who is asking for this change?

Mr. SHOTT of West Virginia. The county of Harrison asks for this one change, I understand.

Mr. MICHENER. The gentleman himself is from another district?

Mr. SHOTT of West Virginia. Yes.

Mr. MICHENER. The gentleman is asking that the change be made?

Mr. SHOTT of West Virginia. If all the amendments I offered were carefully read it would be seen that I have changed the proposed districts so as to properly distribute the business.

Mr. MICHENER. At whose suggestion? Is it your own suggestion?

Mr. SHOTT of West Virginia. Yes.

Mr. MICHENER. Have you conferred with the judges?

Mr. SHOTT of West Virginia. No, I have not; but I have conferred with many leading citizens of the southern end of the State regarding the arrangement of counties proposed in my amendment.

Mr. MICHENER. Does not the gentleman think it extraordinary for a man outside of the district, without consultation with the bar of the State, to recommend that the change be made?

The SPEAKER pro tempore. Is there objection?

Mr. BACHMANN. I ask unanimous consent to proceed for five minutes. I wish to make a statement.

Mr. SCHAFER of Wisconsin. This discussion may be prolonged so that it will take an hour. I object.

The SPEAKER pro tempore. Objection is heard. The question is on agreeing to the amendment offered by the gentleman from West Virginia [Mr. SHOTT].

The question was taken, and the amendment was rejected.

The SPEAKER pro tempore. Does the gentleman from West Virginia wish to offer another amendment?

Mr. SHOTT. No, sir.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

#### INTERSTATE TRANSPORTATION OF BLACK BASS

Mr. NELSON of Maine. Mr. Speaker, I ask for recognition. The SPEAKER pro tempore. The gentleman from Maine is recognized.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to proceed for two minutes.



Mr. GARRETT. Mr. Speaker, I have listened to the request of the gentleman from New York, but I can not recall the Chair's recognition of the gentleman.

The SPEAKER pro tempore. The gentleman from Maine [Mr. NELSON] is recognized.

Mr. NELSON of Maine. Mr. Speaker, I ask unanimous consent to return to the consideration of a bill on the Consent Calendar which was objected to, but against which the objection has been withdrawn. I have explained that this bill is of considerable interest. I ask unanimous consent to return to Calendar No. 628, to the bill S. 941, and ask for its present consideration.

Mr. GREENWOOD. Is that the bill to which the gentleman from North Carolina [Mr. WARREN] objected?

Mr. NELSON of Maine. Yes. He has withdrawn his objection. It was made under a misapprehension.

Mr. MILLIGAN. The gentleman from North Carolina has withdrawn his objection.

Mr. LAGUARDIA. Mr. Speaker, the objection was made by me. My objection was not made under a misapprehension at all. But I withdraw it.

The SPEAKER pro tempore. The objection is withdrawn. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the amendment to the Senate bill.

The Clerk read as follows:

Senate amendment: Strike out all after the enacting clause and insert: "That the act entitled 'An act to regulate the interstate transportation of black bass, and for other purposes,' approved May 20, 1926 (U. S. C., Sup. III, title 16, secs. 851-856), is amended to read as follows:

"That when used in this act the word 'person' includes company, partnership, corporation, association, and common carrier.

"SEC. 2. It shall be unlawful for any person to deliver or knowingly receive for transportation, or knowingly to transport, by any means, whatsoever, from any State, Territory, or the District of Columbia, or to or through any other State, Territory, or the District of Columbia, or to or through any foreign country, any large-mouth black bass (*Micropterus salmoides*) or any small-mouth black bass (*Micropterus dolomieu*), if (1) such transportation is contrary to the law of the State, Territory, or the District of Columbia from which such black bass is or is to be transported, or (2) such black bass has been either caught, killed, taken, sold, purchased, possessed, or transported, at any time, contrary to the law of the State, Territory, or the District of Columbia in which it was caught, killed, taken, sold, purchased, or possessed, or from which it was transported; and no person shall knowingly purchase or receive any such black bass which has been transported in violation of the provisions of this act; nor shall any person receiving any shipment of black bass transported in interstate commerce make any false record or render a false account of the contents of such shipment.

"SEC. 3. Any package or container containing such black bass transported or delivered for transportation in interstate commerce, except any shipment covered by section 9, shall be clearly and conspicuously marked on the outside thereof with the name 'Black Bass,' an accurate statement of the number of such fish contained therein, and the names and addresses of the shipper and consignee.

"SEC. 4. All such black bass transported into any State, Territory, or the District of Columbia for use, consumption, sale, or storage therein, shall upon arrival in such State, Territory, or the District of Columbia be subject to the operation and effect of the laws of such State, Territory, or the District of Columbia to the same extent and in the same manner as though such fish had been produced in such State, Territory, or the District of Columbia, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

"SEC. 5. The Secretary of Commerce is authorized (1) to make such expenditures, including expenditures for personal services at the seat of government and elsewhere, and for cooperation with local, State, and Federal authorities, including the issuance of publications, and necessary investigations, as may be necessary to execute the functions imposed upon him by this act and as may be provided for by Congress from time to time; and (2) to make such regulations as he deems necessary to carry out the purposes of this act. Any person violating any such regulation shall be deemed guilty of a violation of this act.

"SEC. 6. (a) Any employee of the Department of Commerce authorized by the Secretary of Commerce to enforce the provisions of this act (1) shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of this act or any regulation made in pursuance of this act, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction; (2) shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction

to enforce the provisions of this act or regulations made in pursuance thereof; and (3) shall have authority, with a search warrant issued by an officer or court of competent jurisdiction, to make search in accordance with the terms of such warrant. Any judge of a court established under the laws of the United States or any United States commissioner may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

"(b) All fish delivered for transportation or which have been transported, purchased, received, or which are being transported, in violation of this act or any regulations made pursuant thereto, shall, when found by such employee or by any marshal or deputy marshal, be summarily seized by him and placed in the custody of such persons as the Secretary of Commerce shall by regulations prescribe, and shall, as a part of the penalty and in addition to any fine or imprisonment imposed under section 7 of this act, be forfeited by such court to the United States upon conviction of the offender under this act, or upon judgment of the court that the same were transported, delivered, purchased, or received in violation of this act or regulations made pursuant thereto.

"SEC. 7. In addition to any forfeiture herein provided, any person who shall violate any of the provisions of this act shall, upon conviction thereof, be punished by a fine not exceeding \$200, or imprisonment for a term of not more than three months, or by both such fine and imprisonment, in the discretion of the court.

"SEC. 8. Nothing in this act shall be construed to prevent the several States and Territories from making or enforcing laws or regulations not inconsistent with the provisions of this act, or from making or enforcing laws or regulations which shall give further protection to large-mouth and small-mouth black bass.

"SEC. 9. Nothing in this act shall be construed to prevent the shipment in interstate commerce of live fish and eggs for breeding or stocking purposes."

Mr. GREEN. Mr. Speaker, I move to strike out the last word.

I would like to ask the proponents of this bill if there is anything in the bill that prevents the shipment of black bass if they are procured according to the law of the State in which they originate?

Mr. NELSON of Maine. No; nothing of the kind.

Mr. DENISON. It is in aid of the State law, really.

Mr. GREEN. Then, the people of Florida if they catch black bass under the State law can ship them out of the State and not violate this law?

Mr. NELSON of Maine. If they are legally taken in your State, they will not violate this law.

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

#### PAIUTE INDIAN RESERVATION

The next business on the Consent Calendar was the bill (S. 135) to provide for the payment of benefits received by the Paiute Indian Reservation lands within the Newlands irrigation project, Nevada, and for other purposes.

The Clerk read the title of the bill.

There being no objection, the Clerk read the bill as follows:

*Be it enacted, etc.,* That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$6,000, or so much thereof as may be necessary, for paying the Truckee-Carson irrigation district, Fallon, Nev., in 60 semiannual installments, as equally as may be, the proportionate share of the benefits received by 4,877.3 irrigable acres of Paiute Indian lands within the Newlands irrigation project, for necessary repairs to the Truckee Canal to restore said canal to its original capacity, said payments to be made at the same time and at the same rate per irrigable acre as that paid to the Reclamation Bureau by said district for other irrigable lands located therein.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

#### HANDLING OF MAIL MATTER

The next business on the Consent Calendar was the bill (H. R. 10676) to restrict the expeditious handling, transportation, and delivery of certain mail matter where local or contractual conditions are inadequate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I make a point of order, and I reserve the right to object.

I make the point of order that the bill is not properly reported, in that it does not comply with the rule known as the Ramseyer rule, providing for complete comparative printing,



showing the law to be amended and the amendments suggested in the bill. I press the point of order.

Mr. KELLY. Mr. Speaker, I am certain the present occupant of the chair will be in agreement with the statement that this measure, as amended by the committee, is not an amendment of any law, and therefore it is impossible to show in further detail than is shown in the report the law at present and the law as it will be after the measure is passed. This is an entirely new proposition, with present law entirely rewritten. In the print of the bill itself it will be noticed there is published the original form of the bill. If that were the bill as reported I agree it would have been necessary in the report to outline the present law and strike through all the words that were changed and insert the line which is added. However, in the present form that is not necessary and, in fact, can not be done. In spite of that, however, Mr. Speaker, in the report will be found the entire text of sections 212 and 207 in full detail, showing what the law is at present and the difference as covered by this bill.

The SPEAKER pro tempore. Section 5 of the amendment does repeal the law.

Mr. KELLY. Yes. That refers to section 212, title 2, of the act of February 8, 1925.

The SPEAKER pro tempore. Is that set out in the report?

Mr. KELLY. Yes. In the report on page 2 the entire section 212 will be found, with A, B, C, and D, which complies with the Ramseyer rule, to set out in the report the details for the information of the House. I feel certain there is no justification for the statement that the bill is not reported as the rule provides.

The SPEAKER pro tempore. The House bill, as originally introduced, does undertake to amend and repeal.

Mr. KELLY. Yes. That is the point I made.

The SPEAKER pro tempore. But that is before the House as well as the committee amendment. The House may disagree to the committee amendment and may prefer the original bill.

Mr. KELLY. If the Speaker will permit, the committee in dealing with this question had before it a Senate bill, and to a large degree used the Senate bill in the amendment to the House measure which was before the committee. The committee thought that the report setting out the entire text of the laws referred to would meet the rule.

Mr. LaGUARDIA. Mr. Speaker, I simply desire to point out for the sake of protecting a very useful rule that what we have before us now is H. R. 10676, and the Speaker will observe that that bill provides in the very first section an amendment to existing law. That being so, the report does not comply with the rule.

Mr. KELLY. Mr. Speaker, of course, the Chair understands that the printing in this report of the entire text of the law referred to covers the meaning of the rule known as the Ramseyer rule, even though the original text which is stricken out be considered.

The SPEAKER pro tempore. What is before the House is the bill, H. R. 10676, as originally introduced and as amended. As originally introduced, the bill does undertake to change existing statutes, and in that respect it is a violation of rule 13, paragraph 2 (a). The Chair sustains the point of order. The bill is recommitted to the Committee on the Post Office and Post Roads.

#### DEPARTMENT OF AGRICULTURE

The next business on the Consent Calendar was the bill (H. R. 11400) to amend the act of March 4, 1911 (36 Stat. L., 1235, 1253-4; U. S. C., title 16, sec. 5), entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1912."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, this bill has to do with the granting of authority to string electric lines or telephone lines across certain public lands, and it excepts national parks. Of course, I agree with what was the manifest purpose of the committee, namely, not to give authority for any unsightly wires where they would be a blot on the landscape, but there may be cases where it is essential and would not be objectionable to string wires across national parks. If this bill is passed as reported, would anyone have the authority to give permission for the stringing of such wires across national parks?

Mr. LEAVITT. Yes. The situation is that as the bill was drawn the national parks were included with these other reser-

vations, but the letter which came to us from the Department of the Interior was to the effect that they were covered by other law and that they should not be included in this particular bill.

Mr. COLTON. If the gentleman will permit, as I understand it, under certain limitations the Park Service may now grant such permission.

Mr. CRAMTON. It was not clear from the report of the Commissioner of the Land Office, in which he says:

Attention is called to the act of March 3, 1921, which excepts lands within the limits of national parks or monuments from the operation of the right of way acts generally.

That did not answer my question as to whether there was authority in the act of March 3, 1921, or elsewhere, to grant that authority when desired.

Mr. LEAVITT. There is.

Mr. CRAMTON. Mr. Speaker, I withdraw my reservation of objection.

Mr. COLLINS. Mr. Speaker, further reserving the right to object, I am in doubt about the advisability of this legislation, because the Commissioner of the General Land Office says:

This office recalls no instance where wider right of way was sought or found necessary.

If there is no necessity for a wider right of way, then there is no necessity for the enactment of this legislation.

Mr. LEAVITT. What that means is that no lands which come under the jurisdiction of the Commissioner of the General Land Office have as yet developed such a requirement.

Mr. COLLINS. I think we ought to wait until there is that requirement.

Mr. LEAVITT. But this also covers lands which are not under that jurisdiction. The matter came to my attention in connection with the need of a wider right of way across public lands, where it was thought necessary to have the right of way wider than 20 feet in order that transmission lines might be of greater height and still be safe.

Mr. COLLINS. Does the Secretary of the Interior know anything about that particular case?

Mr. LEAVITT. I do not know whether he does or not.

Mr. COLLINS. It seems to me he would be the first one to know about it.

Mr. STAFFORD. As I understand the existing practice, these power companies have the right to-day to get this right of way for transmission lines without the payment of any license fee to the Government?

Mr. LEAVITT. Not to exceed 20 feet on each side of the center line.

Mr. STAFFORD. Forty feet in all. Those of us who know anything about the practice of utility companies in obtaining rights of way across private lands know that they must pay a considerable amount to the owners of the land for those rights of way. Why should the Government grant rights of way over the public domain, reservations, and national parks, without any return to the Government, when they are despoiling, perhaps, the national domain, especially if it is a forest reserve, by cutting down the timber?

Mr. LEAVITT. They have to pay for that.

Mr. STAFFORD. Where is there any provision of law which requires them to pay for it?

Mr. LEAVITT. As a matter of fact, they have to pay for any public property that is destroyed.

Mr. STAFFORD. I would like to have the gentleman cite the law, because I would be unwilling to allow any power company to have the right to go across public land with their electric power lines ad libitum, merely under the supervision and approval of an underling of the department, and without any compensation to the Government. I have an amendment to suggest:

And upon the payment of a yearly fee, to be determined by him, for no longer than 10-year periods at a time.

These power companies are obtaining from the National Government valuable rights to string their power lines over the national domain by the shortest way. In doing so they despoil the forests and why should they not be required to pay the National Government for that easement?

Mr. COLTON. This would not change the existing law in that respect.

Mr. STAFFORD. I am unwilling to broaden the existing law whereby the right of way may be doubled, without exercising



my privilege of exacting a fee for a right which they obtain to-day without the payment of anything.

Mr. COLLINS. Will the gentleman yield to me?

Mr. STAFFORD. Yes.

Mr. COLLINS. Will not this easement be classed as a part of their assets and when rates are fixed the public will be charged with the value of the lands, and their value will be large, too. Such companies know how to make the public pay.

Mr. STAFFORD. It is a valuable right and they should pay for the right, just the same as they have to pay when they cross private land. When I was out of Congress I had some litigation with reference to the right of power companies to string these power lines. I want to know the existing law which exacts any payment for this privilege. I am unwilling to grant this power and permit them to use the public lands without the payment of a fee.

Mr. LEAVITT. If the gentleman will yield, I can give him an illustration of how that is now carried on. The head of each department under the law that is being sought to be amended is now authorized and empowered, under general regulations to be fixed by him, to grant an easement for rights of way—

Mr. STAFFORD. Without the payment of any fee.

Mr. LEAVITT. They do pay, as a matter of fact.

Mr. STAFFORD. Then I want to find the authority of law under which they exact such a fee.

Mr. LEAVITT. This is the authority of law referred to here. I can state to the gentleman that when I was supervisor of a national forest a transmission line was constructed across it, and I know that every bit of timber that was cut down was paid for, that the brush was well disposed of, and that the compensation to the Government was such as to recompense the Federal Government for what was destroyed.

Mr. STAFFORD. Then the gentleman should have no objection to the amendment which I have suggested.

Mr. LEAVITT. Offhand it would appear to me the committee ought to consider that kind of an amendment instead of having it considered only on the floor here.

Mr. STAFFORD. I would be very glad to have the committee consider it between now and the next call of the calendar.

Mr. LEAVITT. There is nothing in the bill at all except to allow a wider right of way than is now allowed.

Mr. STAFFORD. As I indicated, I want some compensation made to the Federal Government for these valuable rights of way over the public domain.

Mr. COLTON. Really, under certain circumstances this is a benefit.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

#### REPRESENTATIVE HULL OF TENNESSEE AND THE SPANISH WAR PENSION BILL

Mr. GASQUE. Mr. Speaker, I ask unanimous consent to proceed for one minute out of order.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. GASQUE. Mr. Speaker, the gentleman from Tennessee, Mr. HULL, left for home on important business before action by the Congress on the President's veto of the Spanish War pension bill, S. 476, but before leaving he requested me and several of his colleagues to have him paired in favor of the passage of said bill over the President's veto. As the RECORD shows, the gentleman from Tennessee [Mr. HULL] was given a live pair against the motion that action on the veto message of the President be deferred until Thursday, Mr. MARTIN being paired for said motion with Mr. HULL of Tennessee, against it. Judge HULL's colleagues endeavored to procure a pair for him in favor of passing the bill, the objections of the President to the contrary notwithstanding, but it was impossible to procure such a pair for the reason that no Member had requested to be paired against the bill. If the gentleman from Tennessee [Mr. HULL] had been present, he would have voted "yea" on the motion to pass said bill, the objections of the President to the contrary notwithstanding.

#### WARM SPRINGS TRIBE OF INDIANS

The next business on the Consent Calendar was the bill (S. 2895) authorizing the bands or tribes of Indians known and designated as the Middle Oregon or Warm Springs Tribe of Indians, of Oregon, or either of them, to submit their claims to the Court of Claims.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that this bill may go over without prejudice.

Mr. BUTLER. Mr. Speaker, I trust the gentleman will withhold that request.

Mr. CRAMTON. I will say that with the study I have now made of the bill I should have to object to-day. I will continue my study and possibly have some amendments to suggest when it is reached again.

Mr. BUTLER. There is a situation that exists with reference to this bill that makes it more or less of an emergency. There are a few old Indians residing on this reservation who were present at the time of the making of the treaty of 1865. In order to properly present their case to the court, it is necessary to have the testimony of these old Indians, and it seems to me that if there is any justice in their case, delay would tend to defeat the justness of their case, and I submit this matter has been before the Congress and the department had admitted there is a considerable sum of money due and has called upon the Congress in years gone by to make a payment or to attempt a settlement and compromise.

Mr. CRAMTON. Can the gentleman say that all of the bureau amendments suggested were incorporated in the Senate bill?

Mr. LEAVITT. I will state that for the committee. The bill as reported out incorporates the suggestions made by the commissioner.

Mr. CRAMTON. To what extent is the bill in the form that the committee has been following with reference to claims?

Mr. LEAVITT. It was very carefully considered by the subcommittee headed by the gentleman from South Dakota [Mr. WILLIAMSON], and was scrutinized in every respect.

Mr. CRAMTON. I felt sure of that, but I renew my question. Does it conform to the form followed by the committee with reference to these claims bills?

Mr. LEAVITT. It does.

Mr. CRAMTON. The language with reference to the pleading of offsets, on page 3, section 3, I wanted to check up and compare.

Mr. LEAVITT. The language there is the language adopted by the committee.

Mr. CRAMTON. Is that language broad enough so that all payments that have been made by the Government for the benefit of these Indians can be pleaded as offsets?

Mr. LEAVITT. I am sure so, yes. I will ask the gentleman from South Dakota, Mr. WILLIAMSON, who has studied the matter very carefully to answer that.

Mr. CRAMTON. There are two or three bills here and the committee is not now following a uniform course with reference to them. In this matter of offsets, the bills now on the calendar are of various styles.

Mr. WILLIAMSON. That is true.

Mr. CRAMTON. So I have forgotten just what was the usual form.

Mr. WILLIAMSON. This is the general provision which was drafted a number of years ago and which has been in general use. This is the general provision which makes any and all payments, including gratuities, offsets. There is one bill which may come up to-day that does not carry this provision—

Mr. CRAMTON. And which we will ask to go over.

Mr. WILLIAMSON. But this bill does carry the general provision.

Mr. CRAMTON. Well, I am not sure. The language is, "Any payment or payments which have been made by the United States upon any such claim." It does not say any payments made by the Government for the benefit of these Indians. It does not say anything about gratuities paid by the Government. This only says "any payments made on such claims," and I do not believe that is broad enough.

Mr. WILLIAMSON. The gentleman is correct about that. This refers only to claims which have arisen in connection with the land in controversy.

Mr. CRAMTON. I will have to ask that this bill go over.

Mr. BUTLER. Can the gentleman suggest any amendment that would cover that?

Mr. CRAMTON. I could not prepare them offhand. I ask that the bill be passed over without prejudice.

The SPEAKER pro tempore. Without objection, the bill will be passed without prejudice.

There was no objection.

## MODERNIZING THE CONGRESSIONAL RECORD

Mr. BOYLAN. Mr. Speaker, I ask unanimous consent to be permitted to extend my remarks in the RECORD by publishing a cartoon which appeared in the New York Times on June 22.

The SPEAKER pro tempore. That request is not in order.

Mr. BOYLAN. I would like to be heard on it. This cartoon pictures a small dog. Twenty years ago the picture was published in the RECORD of a cow.

The SPEAKER pro tempore. The Joint Committee on Printing has charge of that matter under the statute. The Chair can not entertain a request of that kind.

Mr. BOYLAN. I would like permission to describe the cartoon.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BOYLAN. Mr. Speaker, I requested unanimous consent to be permitted to extend my remarks by inserting in the RECORD a cartoon by Marcus that appeared in the New York Times on Sunday, June 22, 1930. I was denied this privilege on the ground that the Joint Committee on Printing has charge of that matter under the statute, and that they would have to be consulted relative to the matter of printing of pictures, and so forth.

For the past two years I have been endeavoring to modernize the daily RECORD kept of the proceedings of Congress.

In 1929 I introduced a resolution providing for a commission of three Members of the Senate and three Members of the House of Representatives to conduct an inquiry into the feasibility and advisability of permitting photographs, cartoons, half tones, rotogravures, portraits, and similar material, in so far as they contribute to a more accurate portrayal of the development of society and civilization in the United States, and to a more faithful recording of the activities of the Congress of the United States, to be printed in the RECORD. Up to this time I have been unable to get any action on this resolution.

This resolution is designed to fill a long-felt need. I see no reason why it should not be adopted, and I am informed there is a great deal of sentiment for it. It is important for many reasons. The CONGRESSIONAL RECORD is the great diary of the American people's elected Representatives, but it is more than that. It is our great national journal. As now made up, it does not discharge that responsibility in substance or in style.

It should reflect the manners—good or bad—the customs, the habits, the inventions, the art, the thought, the opinions, the ups and downs of American life and our civilization. To the historian of the future years it should furnish material by which he can reconstruct the great American scene and all the figures who play their parts thereon—the Presidents, Members of Congress, philosophers, poets, artists, prize fighters, and athletes. There should be room for a Babe Ruth as well as a Speaker LONGWORTH, for Lindbergh and Byrd, as well as for President Hoover. We do not know how history will judge us or where the hand of the historian will place us. Let us not have pride in ourselves and confine the CONGRESSIONAL RECORD to a mere museum of our oratorical achievements; let us have pride in our country and its men of achievement.

It is obvious that speeches alone do not count for much. Yet that is all the RECORD contains now. It is my belief that the rules governing the inclusion of material in the RECORD should be revised to sanction insertion of anything that helps to give a picture of American life of to-day. This may conceivably mean cartoons, pictures, rotogravures, comic strips, headlines, editorials, and even a sporting page—in fact, all the adornments of the modern, entertaining, and historical newspaper.

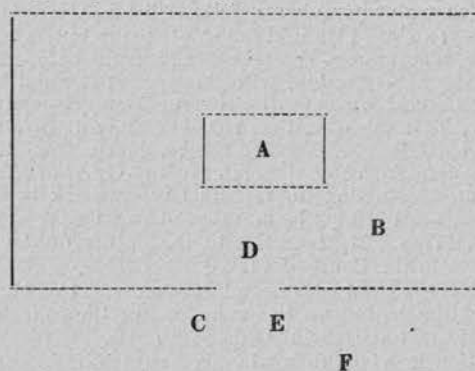
I admit the proposed change is revolutionary. But I also suggest that there is more wit and wisdom in many a cartoon without words, or even in a comic strip, than in some congressional orations I have read in the RECORD.

The cartoon that I was prevented from inserting in the RECORD was a drawing by Marcus, of the New York Times. This cartoon depicts the entrance to the home of the average American citizen.

At the gate is posted a sign "Beware of the dog." In the entrance is a small dog, about the size of a peanut, named "Flexible Clause." This small dog is endeavoring to prevent a burly masked burglar named "Excessive Tariff Rates," from entering the house of the average American citizen. The said burly burglar is laughing in derision at the efforts of little "Flexible Clause" trying to prevent his entrance.

No words of mine or anyone else, in my opinion, could really portray the thought that is carried by this cartoon. In order, however, to make it a little clearer, inasmuch as I am not

permitted to print the cartoon in the RECORD, I am inserting the following diagram and legend:



## LEGEND

- A—The home of the average American citizen.
- B—Grounds surrounding home.
- C—Sign "Beware of the Dog."
- D—Entrance to home.
- E—Small dog named "Flexible Clause."
- F—Burly masked burglar named "Excessive Tariff Rates."

Often a vivid cartoon or picture will enlighten, educate, and, perhaps, be the means of constructive legislation.

This, indeed, is an era of progress, and to keep abreast of the times we should modernize the daily RECORD of our work in Congress.

## CLAIM OF THE CHOCTAW AND CHICKASAW INDIAN NATION

The next business on the Consent Calendar was the bill (S. 3165) conferring jurisdiction upon the Court of Claims to hear, consider, and report upon a claim of the Choctaw and Chickasaw Indian Nation or Tribes for fair and just compensation for the remainder of the leased district lands.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that this bill go over without prejudice.

Mr. HASTINGS. Will the gentleman withhold that?

Mr. CRAMTON. Yes.

Mr. HASTINGS. As the gentleman from Michigan perhaps knows this claim is for the "leased district" by the Choctaw and Chickasaw Nations. It is a claim that has been pending before Congress for the last 40 or 50 years; it has been repeatedly presented to Congress ever since I have been a Member.

Congress sent, as the gentleman knows, the Dawes Commission to the Five Civilized Tribes to make an agreement for the allotment of their lands and the distribution of their money for the purpose of winding up their affairs. That has already been done. We passed June 7, 1924, an act authorizing them to go to the Court of Claims to adjudicate certain cases.

Now, so far as necessity for legislation is concerned the affairs of the Choctaws and Chickasaws are entirely closed, except for the settlement of this one claim; this is the only claim that is left that no provision is made for settlement.

The gentleman from Michigan is familiar with Indian matters and, I know, is sympathetic. This bill only refers the claim of the Choctaws and Chickasaws for the "leased district" to the Court of Claims for findings of fact and report back to Congress. It does not authorize the adjudication. That is all the bill does. It is like a court referring a matter to a master to hear the testimony and make succinct report to the court.

Mr. STAFFORD. But the amendment says here, "examine and adjudicate the claim."

Mr. HASTINGS. The gentleman has not the right print of the bill.

Mr. CRAMTON. I will say to the gentleman in the first place that the bill is not approved by the department and the Budget. That is not decisive, but it does put us on notice that we should carefully study the bill before we permit it to pass.

In the limited study I have been able to make of it I feel that the bill goes a long way in providing that they decide, irrespective of former adjudications, whether the consideration of former adjudications was fair reopens the number of closed issues. Possibly after a fuller study of it I might not be opposed to it, but if I had to decide to-day I would object.

Mr. HASTINGS. I am sorry; I hope the gentleman between now and the next time the calendar is called will examine it and give it his support.



Mr. CRAMTON. I hope my friend from Oklahoma will be here for many terms and be able to give us the benefit of his advice, which we nearly always follow.

Mr. HASTINGS. I thank the gentleman, but what I am afraid of is that it may not be reached again before adjournment. This is a Senate bill, with 22-page report, and has been given most careful consideration by the House committee. It was referred to a subcommittee, that examined it carefully and reported it back, and as I said to the gentleman from Michigan, it is simply a reference of the claim to the Court of Claims for investigation and findings of fact, and report back to Congress what, if any, amount may be due these two tribes.

Mr. CRAMTON. My fear lies in the nature of the instructions it gives to the Court of Claims.

Mr. HASTINGS. Just one minute more. I want to call attention of the gentleman to section 257 of the code, and that is section 151 of the Judicial Code.

This section provides that wherever any claim is pending in either House, other than a pension claim against the United States, legal or equitable, or for a grant, gift, or bounty to any person, the House in which such bill is pending may for an investigation of the fact refer the claim to the Court of Claims. That is the section under which we are proceeding. There have been claims filed both in the House and the Senate for additional compensation similar to the one that the gentleman from South Dakota filed the other day, but instead of asking the committees of Congress to sit for weeks investigating this matter, hearing evidence and examining all of the treaties, and so forth, these tribes ask that the claim be referred to the Court of Claims for a full investigation and findings of facts, to be reported back to Congress as to what, if any, amount, taking all these things into consideration, may be due. This is a Senate bill. What I am afraid of is if it does not receive consideration to-day the Consent Calendar may not be reached again at this session, and that means the resolution goes over until December or perhaps for another year. It delays the final settlement of the affairs of these tribes, because they will not be satisfied until this claim is finally adjusted. I have never yet objected to referring any of these claims to our own courts for a full and fair investigation of all of the facts.

Mr. CRAMTON. We have sent so many of these to the Court of Claims that it would be four or five years before anything could be done with this, so that there is no real delay involved in making a proper study of the bill.

Mr. HASTINGS. All other claims must be filed by June 30, 1930. We expect all of their other affairs to be wound up and claims adjudicated within the next 12 or 18 months, and it is important to have this last claim sent to the court. In this bill there is a provision in the last section for the Attorney General to represent the Government, and procedure for assembling all of the facts and for findings of fact and a report to Congress by the court, just as a master reports to a court his findings and conclusions.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. Mr. Speaker, I have a request pending, that the bill go over without prejudice.

Mr. GARBER of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. GARBER of Oklahoma. This bill does not change the legal status of either the Government or the Indians. It does not ask for an authorization or an appropriation of a single dollar. It does not incur any obligation on the part of the Government or anyone else. It simply recognizes the Court of Claims as an agency to investigate.

Mr. CRAMTON. And it sets up the rule for the consideration of this case, and it says that irrespective of any former adjudication—

Mr. HASTINGS. That is the same language that is in every jurisdictional bill.

Mr. CRAMTON. I shall object unless the bill goes over.

Mr. CARTWRIGHT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD. These Indians are all in my district.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CARTWRIGHT. Mr. Speaker, inasmuch as I introduced this bill in the House I wish to make a brief explanation.

The land in question, or so-called "leased district," was made the property of the Choctaws by the treaty of 1820 with the Government, whereby these Indians exchanged their valuable possessions east of the Mississippi for this vast domain west of the Mississippi. The Choctaws later agreed with the Chick-

saws to take that tribe in as one-fourth owners of all their holdings.

Several treaties were made with the Government, including the one in 1866 which was made under duress and threats whereby the Choctaws supposedly leased to the Government a large territory of some 7,700,000 acres covering mostly what was formerly Greer County in Oklahoma, and which now takes in five or six counties. In drafting the treaty the Government used the word "cede" instead of the word "lease," and the Indians not being fluent at that time with the English language did not comprehend the difference in the meaning.

This treaty of 1866 was made with the Government for the small sum of \$300,000, and was for the specific purpose of using these lands for the settlement of the freed negro slaves who were living among the Choctaws and Chickasaws and who were considered by the Indians as undesirable. However, the Government failed to carry out that part of the treaty.

The former slaves were never removed, but instead each was given 40 acres of land in the Choctaw and Chickasaw Nations without the consent of the two nations or tribes, and about 1891 the Cheyenne and Arapahoe Indians were settled on approximately 1,400,000 acres of the leased land. Upon complaint, the Government recognized the title to the land as belonging to the Choctaws and Chickasaws, and in 1893 paid them the proceeds from that part of the leased land which had been settled by the Cheyennes and Arapaho.

The Government further recognized the title as belonging to the Choctaws and Chickasaws by taking the proceeds of the settlement of the white settlers on other parts of this same land and placing that also to the credit of the Choctaws and Chickasaws.

The remainder of this land, including over 5,000,000 acres, was settled by white settlers, but the Choctaws and Chickasaws have never received payment therefrom, and the Government claims that the title does not belong to them, inasmuch as they "ceded" it to the United States in the treaty of 1866.

The claim for reimbursement for this so-called leased district is one which the Choctaw and Chickasaw Indians have been urging against the Government for many years. The Supreme Court admitted that the Indians had been treated unfairly, but said the court could not change the law, neither could it interpret the word "cede" to mean "lease," and that it was up to Congress.

My predecessor was interested in this claim and tried to get a direct appropriation in settlement during his 20 years in Congress, and I have been interested in it since I became a Member three years ago.

The bill under consideration, which I introduced in the House, authorizes the Court of Claims to act as a fact-finding body, inquire into and report to Congress whether or not the consideration paid for the lands involved was fair and just to the tribes, and, if not, whether the United States should pay additional compensation therefor; and if so, what amount should be paid.

In the name of humanity's sake, let this glorious Government of ours avoid the accusation of dealing unjustly with the red men who first inhabited this country. Let it be no longer said that the Government has confiscated this property of the Choctaws and Chickasaws without fair compensation. These Indian people resent being buncoed or fooled on this proposition any longer and have just about come to the conclusion that the Government does not now and never has intended to give them justice where justice is due. What a pity that such an opinion should reign among them!

As I have heretofore repeatedly stated on the floor of the House, in the committee and throughout my district, I am convinced the thing that Congress should do is pass a direct appropriation to pay these Indians in per capita payments the amount they are asking for confiscation of this land. Since, however, Congress seems determined not to do that, I plead with you to be fair enough to pass this bill without delay, which puts this whole question in the hands of the Court of Claims for investigation and recommendation.

Nothing is settled until it is settled right. All we are asking for in this bill is for the Court of Claims to fully and impartially investigate the facts as to the equities involved and make a report of its findings to Congress. Surely no fair-minded man can object to that. Surely these Indians are entitled to that much consideration. These people have been patient and long suffering. Let the facts be given fully and accurately to Congress. Then, and only then, will they have any reason to be satisfied.

Now, I hope this bill will be passed this afternoon instead of going over without prejudice, as has been suggested. Time is short and the Indians are waiting, as they have waited for many years. I plead with you not to postpone action any longer on this bill.



The SPEAKER pro tempore. The question is on the request of the gentleman from Michigan that this bill be passed over without prejudice. Is there objection?

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. GARBER] be permitted to address the House for three minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GARBER of Oklahoma. Two minutes of which I shall yield to the gentleman from Wisconsin. I call the attention of the gentleman from Michigan to the rule laid down in the bill which complies with the suggestion that he has made with reference to the evidence. It provides that the court shall also hear, examine, and report upon any claims which the United States may have as an offset against said Indians, but that any payment which may have been made by the United States upon such claim against the United States shall not operate as an estoppel but may be pleaded as an offset. This is a star copy of the bill from which I read, and the bill the gentleman has does not contain this provision.

Mr. CRAMTON. The bill I have is one which I obtained from the document room and it provides:

Payment or payments which have been made by the United States upon any such term or terms shall not operate as an estoppel.

Just whether that limits the claims, I am not sure, but I would like to know.

Mr. GARBER of Oklahoma. The amendment incorporated in this bill is clear and definite. It covers the exact proposition the gentleman raises in the bill.

Mr. CRAMTON. The gentleman's bill reads differently from mine.

Mr. GARBER of Oklahoma. This is a star copy.

Mr. CRAMTON. I did not know there was a star copy. The one I have I obtained from the document room. I think it is best that the bill go over so that we will have a chance to read the bill if we are going to consider it.

Mr. GARBER of Oklahoma. Does the gentleman take into consideration that his objection here will prevent any further consideration of the bill?

Mr. CRAMTON. I do not think that is necessarily true. In view of the fact that evidently a different bill is to be considered from the one furnished me, I do not think the gentleman ought to urge me.

Mr. GARBER of Oklahoma. But we are not responsible for the delinquencies of the document room. The investigation of this matter has been carried on and completed by the Senate committee and the Senate has passed the proposed measure with the exception of the provision I have referred to. The bill does not change the legal relations of the parties, but simply directs an authorized agency to investigate and report its findings to Congress; neither does it authorize the appropriations of any money.

Mr. CRAMTON. I have no desire just to delay, and when this is reached again, and I hope it may be at this session, I shall be prepared to express myself definitely.

The SPEAKER pro tempore. The time of the gentleman from Oklahoma has expired.

#### MAIL TRANSPORTATION BY MOTOR VEHICLE

The next business on the Consent Calendar was the bill (H. R. 12412) authorizing the Postmaster General to permit railroad and electric-car companies to provide mail transportation by motor vehicle in lieu of service by train.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA. Mr. Speaker, I reserve the right to object.

Mr. COLLINS. Reserving the right to object, Mr. Speaker, railroad and street-car companies under this bill are authorized to use motor vehicles over highways in the transportation of mail and charge therefor the same rate that the Government is now paying for transportation of the mail by rail. In other words, they will become similar in all respects to star routes, and therefore I think they should be required to secure these bids upon competitive conditions, just as star-route contracts are now let.

Mr. SPROUL of Illinois. If the gentleman will yield, I think I can explain that to his satisfaction.

Mr. COLLINS. Unless the gentleman is willing that these contracts shall be let under similar competitive conditions, I shall have to object.

Mr. SPROUL of Illinois. The contracts to be let are similar to those made with the railroads.

Mr. COLLINS. But they will be engaged in the same line of work as other persons and concerns operating motor vehicles in

the transportation of mail, and the Post Office Department should treat them all alike.

Mr. SPROUL of Illinois. Some railroads have automobile service and trains have been taken off. I know some routes in the district I have the honor to represent where the mail trains are taken off, and the patrons do not get their mail until the afternoon.

Mr. LaGUARDIA. The contracts are made to the railroads, and then the bill would permit the railroads to transport the mail by motor vehicle.

Mr. COLLINS. Under the same contracts?

Mr. LaGUARDIA. Yes. Some provision ought to be made by which the Government shall get the benefit of the decreased cost of transportation.

Mr. KELLY. Mr. Speaker, will the gentleman yield?

Mr. COLLINS. Yes.

Mr. KELLY. We are, under this bill, simply carrying on the practice now in vogue and which will go on until 1931.

Mr. COLLINS. If I am the owner of a motor vehicle and wish to carry a star route, I secure that route by bid in open competition with everybody else. The railroads should be required to get a star-route contract under identical conditions.

Mr. KELLY. Of course the gentleman understands that some trains are still carrying mail. Suppose we do not put this mail on the motor busses. The railroad carries it on later trains and gets paid for it. They get no more compensation by bus than they get now by the mail train.

Mr. STAFFORD. We pay the railroad for one character of service by railroad. Then the railroad discontinues the train because it has not sufficient patronage and adopts another method. Why should we pay the star route for the same service when we can get the same service at a cheaper rate?

Mr. SPROUL of Illinois. You will here pay twice as much as the motor buses carry them for.

Mr. STAFFORD. The railroad rates are so indefinite that we do not know what the rates are. We do know when they ask for competitive conditions under the star-route service.

Mr. LaGUARDIA. The gentleman knows that the rates made by the railroad are made on the basis of the capitalization, but on the motor bus it will certainly be much cheaper.

Mr. O'CONNOR of Louisiana. Mr. Speaker, will the gentleman yield?

Mr. COLLINS. I yield to the gentleman.

Mr. O'CONNOR of Louisiana. It may be irrelevant to the subject of this bill, but can the gentleman tell us when the Capper-Kelly bill will be taken up in the House?

Mr. KELLY. I did not catch the question of the gentleman.

Mr. O'CONNOR of Louisiana. I think the question is somewhat irrelevant, but will the gentleman from Pennsylvania tell us when the Kelly-Capper bill will be taken up?

Mr. KELLY. I wish I could answer exactly as to when that bill will be taken up. A special rule for its consideration is pending, and I believe we will have an opportunity to consider it before the week is ended. I have every assurance as to that.

Now the gentleman from Mississippi understands that the rates fixed by the Interstate and Foreign Commerce Committee are less than the rates that could possibly be secured through bids for the carrying of the mail by a short-line motor bus?

Mr. COLLINS. I seriously doubt that. I have an amendment which I hope the gentleman will accept. On page 1, line 6, after the word "train," strike out the rest of the bill and insert the following: "Provided, The railroad or electric-car company is the lowest and best bidder after proper advertisement, and in no case at a rate not in excess of the rate that would be allowed for similar service by railroad or electric car, payment therefor to be made from the appropriate appropriation for railroad transportation and mail messenger service or electric and cable car service."

Mr. KELLY. I understand that by that amendment anyone would be able to bid?

Mr. COLLINS. Absolutely.

Mr. KELLY. And the railroad that makes the lowest bid will get the contract?

Mr. COLLINS. Yes.

Mr. KELLY. Why should there be a provision that they must pay lower than the rate now paid?

Mr. COLLINS. Because that provision was in this bill.

Mr. KELLY. That is quite a different thing.

Mr. COLLINS. I just left in what the committee had in it. In other words, I am amending it as little as possible.

Mr. KELLY. If you were to put a railroad company in the position of competing absolutely anew on every contract and let them bid against anybody and let the lowest bidder take the contract—

Mr. COLLINS. I have no objection to that.



Mr. LaGUARDIA. That is the very purpose we are seeking to achieve here.

Mr. COLLINS. Absolutely.

Mr. STAFFORD. Will the gentleman yield?

Mr. KELLY. I yield.

Mr. STAFFORD. Does the department to-day not have the right to let the carriage of mail by motor busses when there is not any train for that service?

Mr. KELLY. Certainly.

Mr. STAFFORD. Then there is no necessity for the amendment offered by the gentleman from Mississippi.

Mr. KELLY. No. I will say to the gentleman that the situation is that the Post Office Department now is putting the mail on motor busses operated by the railroad companies where the trains are taken from the service, paying at the rate now paid.

Mr. LaGUARDIA. That is at the rate paid for rail transportation?

Mr. KELLY. Yes; which in most cases is much less.

Mr. STAFFORD. The gentleman is assuming much when he says it is less.

Mr. KELLY. For instance, the rate is 37 cents a mile for an entire car, and, it would be in proportion lower than by motor bus, through contract.

Mr. STAFFORD. I ask unanimous consent that the bill be passed over without prejudice for the time being.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

#### SALARIES OF OFFICERS AND MEMBERS OF METROPOLITAN POLICE FORCE AND FIRE DEPARTMENT, DISTRICT OF COLUMBIA

Mr. McLEOD. Mr. Speaker, I present a conference report on the bill (S. 2370) to fix the salaries of officers and members of the Metropolitan police force and fire department of the District of Columbia.

The conference report and statement are as follows:

#### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2370) entitled "An act to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House and agree to the same with amendments as follows:

Page 4, line 8, of the engrossed House amendment, after the word "any," insert the word "of."

Page 4, lines 12 and 13, of the engrossed House amendment, change the word "deduction" to read "deductions."

Page 4, line 16, of the engrossed House amendment, after the numeral "6," strike out the language down to and including the word "and" on line 19.

Page 4, line 21, of the engrossed House amendment, after the word "allowance," insert the words, "heretofore and."

And the House agree to the same.

CLARENCE J. McLEOD,  
E. M. BEERS,  
JOSEPH WHITEHEAD,

*Managers on the part of the House.*

ARTHUR CAPPER,  
W. L. JONES,  
J. M. ROBSON,  
CARTER GLASS,  
ROYAL S. COPELAND,

*Managers on the part of the Senate.*

#### STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2370) to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia, submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate recedes from its disagreement to the amendment of the House, which struck out all after the enacting clause and inserted a substitute, with four amendments. The first two amendments correct clerical errors. The latter two amendments modify section 6 of the House amendment relating to pensions. As approved by the House, the section stipulated that no pension increase should be paid any person now retired as a result of

the salary increases in the bill, and that the Commissioners of the District should have power to fix the amount of pension to be paid any hereafter retiring. The modification agreed upon by the conferees has the effect of empowering the Commissioners to fix the amount of pension for those now retired and those hereafter retiring.

CLARENCE J. McLEOD,

E. M. BEERS,

JOSEPH WHITEHEAD,

*Managers on the part of the House.*

Mr. McLEOD. Mr. Speaker, I ask unanimous consent for the present consideration of the conference report on the bill (S. 2370) to fix the salaries of officers and members of the Metropolitan police force and fire department of the District of Columbia.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. CRAMTON. Reserving the right to object, what bill is this?

Mr. McLEOD. It is the pay bill for the policemen and firemen.

Mr. STAFFORD. Will the gentleman give the House a brief statement of what has been agreed to in conference?

Mr. McLEOD. The House amendments have all been accepted.

Mr. STAFFORD. After this long contest between the two bodies, everything has been agreed to except one amendment. What is that amendment?

Mr. McLEOD. A small change in what was called the step-up arrangement of the privates' pay, the pay of the noncommissioned men of the police department, which is satisfactory to the police department.

Mr. STAFFORD. The pay of the men in the police and fire departments is substantially the same as passed in the House bill?

Mr. McLEOD. Substantially the same; yes.

The SPEAKER. Is there objection?

There was no objection.

The conference report was agreed to.

#### BRIDGE ACROSS ST. CLAIR RIVER NEAR PORT HURON, MICH.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that a respectful message be sent to the Senate for the return of the bill (S. 4722) creating the Great Lakes bridge commission and authorizing said commission and its successors to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the present consideration of an order which the Clerk will report.

The Clerk read as follows:

*Ordered,* That the Senate is respectfully requested to return to the House of Representatives the engrossed bill of the Senate (S. 4722), entitled "An act creating the Great Lakes bridge commission and authorizing said commission and its successors to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.," together with the enrolled bill thereof.

Mr. STAFFORD. Reserving the right to object, the House the other day, at the instance of the gentleman from Michigan, passed a Senate bill.

Mr. CRAMTON. Yes.

Mr. STAFFORD. What is the deficiency or error in the Senate bill which the gentleman desires to have brought back to the House?

Mr. CRAMTON. It is desired to have it brought back to the House so that the House may consider an amendment to the bill because of circumstances which have developed since the bill was passed by the House.

Mr. STAFFORD. What character of amendment?

Mr. CRAMTON. The bill provides a limit as to the rate of interest, which, in view of certain committee amendments, I am told is likely to make it impossible to finance the proposition under those conditions.

Mr. STAFFORD. There is no objection on my part.

The SPEAKER. Is there objection?

There was no objection.

The order was agreed to.

#### POST-OFFICE BUILDING AT NAPOLEON, OHIO

Mr. THOMPSON. Mr. Speaker, I ask unanimous consent to extend my remarks on the second deficiency bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. THOMPSON. Mr. Speaker, the second deficiency bill that has just passed the House of Representatives has a significance and satisfaction for me that no one of the other appropriation bills I have helped to pass in this Congress or preceding ones can approach. The source of this satisfaction is the knowledge that there is tucked away among the items of that bill an appropriation of \$90,000 for the construction of a new post-office building at Napoleon, Ohio.

Napoleon does not give its post-office receipts comparable with the large towns and cities which up to this time have been the only ones provided for, and it may puzzle some of you to account for the fact that Napoleon has been granted a new post-office building. I shall be glad to explain the point.

When I first came to Congress, in 1919, I found that Napoleon's post-office accommodations were away short of the necessities of the situation, and that the town was struggling along as best it could with inadequate facilities. In an effort to hasten Federal action, the town had donated to the United States a tract of land to be used as a site for a new post-office building. The Government held this site when I came to Congress. However, at that time the Great War had just ended. Retrenchment and economy was the watchword, the slogan, and the policy of the United States. Naturally, a strict rule was adopted that no public buildings would be built for an indefinite period. Notwithstanding this fact, I introduced a bill to grant Napoleon a new building, which failed because of the above circumstances, and because I was a first-term Congressman.

Just when it appeared that I would be able to secure passage of such a bill at the next Congress, after a similar bill had failed during my second term, the Public Buildings and Grounds Committee brought out a bill to place all authority for the allocation of public buildings in a joint committee of the Post Office and Treasury Departments. I opposed this bill, knowing that if it became a law the smaller communities, such as Napoleon, would be ignored for years. However, it passed by a narrow margin.

This new setback was a great discouragement to me, but there was only one thing to do, and that was to keep on trying. Not knowing the situation, or caring to know it, possibly, my political enemies made a joke of my efforts and belittled me.

In the face of all this, I centered my efforts upon the members of the joint departmental committee. That committee adopted, as one of its first steps, the policy of allotting new buildings in accordance with size of postal receipts. It was necessary to break down this strict policy in some way, and I used the fact that the Government owned a site at Napoleon with good effect. I sometimes think also that Napoleon was included in this last appropriation by the authorities as a defense measure against my constant visits to them on this subject.

The appropriation should have been made several years ago, for the need in small towns is just as sore in proportion as it is in the centers of population. The act of placing authority in the two departments delayed this appropriation several years, as I foresaw.

Now that Napoleon is cared for, there is similar work to be done for several other towns in the fifth district, where the need for a new building is great. One of these, in the northern part of the district, is well under way, and I expect to accomplish results there in the near future.

#### ORDER OF BUSINESS

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. STAFFORD. I see the gentleman from New York [Mr. SNELL] on the floor. Will the gentleman kindly inform the House what legislation is to be considered to-morrow?

Mr. SNELL. I shall be glad to do so. To-morrow we are going to take up House Joint Resolution 258, which provides for a special investigating committee to take charge of the investigation of campaign expenditures of various candidates for the House of Representatives, and also Resolution 264, which provides for the consideration of the copyright bill.

Mr. GARNER. Will they be taken up in the order mentioned?

Mr. SNELL. Yes.

Mr. SCHAFER of Wisconsin. Will the investigating resolution be broad enough so that the committee can investigate the expenditures of Politician Cannon in the last presidential election?

Mr. LaGUARDIA. If he runs for the House of Representatives.

Mr. SNELL. If he runs for the House of Representatives, they can.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. COCHRAN of Missouri. Last week, I believe, the Committee on Rules reported a rule to consider what is known as the Kelly-Capper bill. Can the gentleman give us any information as to when that bill will be considered?

Mr. SNELL. I can not tell the gentleman now.

Mr. GREEN. Is it probable we will have another Private Calendar day?

Mr. SNELL. That is pretty hard to answer. However, I think we will clean it up before we get through, taking a part of a day or some night.

Mr. McDUFFIE. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. McDUFFIE. Can the gentleman give us any information as to when the House may have an opportunity to pass on the rivers and harbors bill?

Mr. SNELL. We have nothing before us as yet. When you get your conference report in we will take it up.

Mr. McDUFFIE. That is the very thing I am complaining about. The Committee on Rivers and Harbors directed the chairman last Saturday to call the bill up; that is, to ask unanimous consent to take it from the Speaker's table and agree to the Senate amendments and to use all other parliamentary means for quick action. He was directed to do it on Saturday, and it was not done. It was suggested it should lay over until Monday in order to give the Members of the House an opportunity to study the amendments. Now, Saturday, Sunday, and Monday have passed, and the chairman of the committee is not even on the floor, and I thought perhaps the gentleman, an outstanding member of the administration, could give us some information as to why this unnecessary delay?

Mr. SNELL. I can not give the gentleman any information as to that, but I will give the gentleman my view as to what I think should be done. I do not think the House should agree to amendments, without any consideration, which increased the appropriations from \$27,000,000 to \$30,000,000.

Mr. McDUFFIE. But we have had since Friday evening to do that—three days.

Mr. SNELL. The House is not to blame because the chairman has not brought this subject before the House. I think the thing to do is to follow the regular course as in any other legislation. Send the bill to conference and then let the conferees present their report in the usual way.

Mr. McDUFFIE. Why, then, can we not have the conference? What is the cause for the delay? The rivers and harbors bill is certainly one bill which the country wants and demands, and the President has said time and time again he favored such legislation.

Mr. SNELL. The gentleman from New York has no doubt that the rivers and harbors bill will be passed.

Mr. McDUFFIE. When, may I ask?

Mr. SNELL. I have not seen the chairman of the committee, and I do not know what his plans are.

Mr. McDUFFIE. I had hoped the chairman of the committee would be here to carry out the instructions of his committee.

Mr. SNELL. I have trouble enough in answering what I am supposed to know about.

Mr. GARNER. May I suggest to the gentleman from Alabama that in view of the fact that the chairman is not here to carry out the wishes of the committee that he ask unanimous consent that the bill be taken from the Speaker's table and at least sent to conference, so there may be an opportunity for the House conferees and the Senate conferees to consider the bill.

Mr. SNELL. I do not think that is a good suggestion, and I should object to such a request.

Mr. GARNER. I should imagine the gentleman would object, but I made that suggestion in view of the fact that the chairman of the committee is not here to make the request himself.

Mr. SNELL. I have no objection to the bill going to conference at the earliest possible moment, and as far as I know no one is going to object.

Mr. McDUFFIE. So far as the House committee is concerned, it is satisfied with the Senate amendments. It has unanimously voted to agree to them.

The Senate did add to the bill about \$24,000,000, but this bill is not an appropriation bill; it only provides authorizations for money to be expended over a period of years.

Mr. SNELL. Does the gentleman think we ought to agree to that without even reading the amendments? The gentleman has been asking me questions, so I now ask him that question.



Mr. McDUFFIE. Very well. But does the gentleman think everybody in the House is going to read the amendments, even if we held this bill two weeks?

Mr. SNELL. No; but I do think an opportunity should be given for their consideration.

Mr. McDUFFIE. The House committee has considered them. The House committee has read the amendments and, as I have said, we are satisfied with them. I think the House is ready to agree to them.

Mr. SNELL. As far as I am concerned I should not be willing to agree to these increases without having an opportunity to consider them, increases which run into the millions of dollars.

Mr. McDUFFIE. Can the gentleman give us any suggestion as to when the chairman of the committee will come on the floor?

Mr. SNELL. I told the gentleman I had not seen him, so I can not tell the gentleman about that.

Mr. GARRETT. Has the gentleman any information as to his whereabouts?

Mr. SNELL. I am responsible for almost everything, but I am not responsible for the whereabouts of the chairman of the Rivers and Harbors Committee at the present time.

Mr. McDUFFIE. If we are going to conference we ought to go at once, in order to save time. The Congress will doubtless adjourn in a few days, and I fear we will have no rivers and harbors bill during this session, and many Members are very anxious about this unnecessary delay.

Mr. SNELL. I am perfectly sure Congress will not adjourn until we have a rivers and harbors bill.

Mr. McDUFFIE. I am glad to hear the gentleman say that.

#### NATURALIZATION AND CITIZENSHIP OF MARRIED WOMEN

The next business on the Consent Calendar was the bill (S. 3691) to amend an act entitled "An act relative to naturalization and citizenship of married women," approved September 22, 1922.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JENKINS. Mr. Speaker, reserving the right to object, this bill is—

Mr. LEAVITT. Is the gentleman going to object?

Mr. JENKINS. I expect to object.

Mr. LEAVITT. Then I shall demand the regular order.

Mr. BOX. Will the gentleman yield a moment?

Mr. JENKINS. I yield.

Mr. BOX. Mr. Speaker, under a reservation of objection, I ask leave to extend my remarks by inserting the minority views on this bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The matter referred to follows:

#### MINORITY VIEWS

After all of the circumlocution employed in this bill is eliminated and its plain meaning is ascertained, its purpose is to admit an immigrant plainly excluded by the law, because of the power and influence of that immigrant's connections. The facts and record of the handling of this particular immigrant's efforts to procure admission and her rejection and the reasons for her rejection are fully and clearly stated in a statement made by the State Department to members of the House committee, who called upon that department for information, in the document copied in this report. Members should refer to it for the facts.

The bill should not be passed, first, because it sets the bad precedent of admitting by special act of Congress an individual alien in spite of the provisions of the immigration laws. Some 2,000,000 aliens are on the waiting list in foreign countries now, most of whom must be rejected, many of whom have relatives and friends here and have the same right to obtain admission by special act which is now accorded to this applicant. I am advised that this is not the only bill of this kind now pending in Congress. If this bill is passed, no Member will be in good position to refuse to introduce a bill providing for the admission of other inadmissible aliens whose friends and relatives ask that privilege. This will be especially true of all Members supporting this bill.

Second, this alien was first granted the special privilege of a special preliminary examination by the United States consul. It was found that she was not entitled to admission. The State Department appears to have properly and firmly enforced the law in her case in the face of powerful political pressure. Thereafter, an effort was made to procure her admission by an appeal to the courts, which, from the court of first instance to the Supreme Court of the United States, denied the extraordinary privilege she sought and upheld the officials in their proper enforcement of the law.

The statement of the State Department made to members of the House committee is as follows:

JANUARY 20, 1930.

Replying to your letter of January 11, 1930, I may give the following information concerning the case of Anna Minna Venzke Ulrich:

From the records of the department it appears that John Munsill Ulrich prior to his marriage to Anna Venzke endeavored to ascertain whether she would be able to obtain a visa after the marriage had taken place. In view of the unusual circumstances in the case, the consul general at Berlin permitted Miss Venzke to be given an informal advance examination with a view to determining whether it was likely that she would be able to establish her admissibility under the immigration laws.

Following the examination, Mr. Ulrich was informed that in all probability Miss Venzke would be unable to obtain an immigration visa in the event that she were later to apply for one.

Although Mr. Ulrich was warned in advance regarding the difficulty to be anticipated in bringing his wife to this country, he apparently did not alter his plans on this account, and on December 17, 1927, his marriage to Miss Venzke took place.

After the marriage, Mrs. Ulrich applied for a nonquota immigration visa, which was refused upon the ground that the record in her case showed that she had been convicted in four instances of offenses involving moral turpitude, to wit, larceny in three cases and abetting a forgery in another case, and was accordingly inadmissible to the United States under the provisions of section 3 of the act of February 5, 1917, which excludes from the United States "aliens who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude." In this connection it may be stated that section 2 (f) of the immigration act of 1924 requires a consular officer to refuse an immigration visa to an alien who he knows or has reason to believe is inadmissible to the United States under the immigration laws.

Subsequently, Mr. Ulrich brought mandamus proceedings to compel the issuance of a visa to Mrs. Ulrich. The Court of Appeals of the District of Columbia in United States ex rel. Ulrich v. Kellogg et al. (30 F. (2d) 984) determined that Mrs. Ulrich remained an "alien" notwithstanding her marriage to a citizen of the United States, and affirmed the decree of the Supreme Court of the District of Columbia overruling the application of Mr. Ulrich for a writ of mandamus. Chief Justice Martin, in rendering the opinion of the court, cited the case of *Bartos v. United States District Court for District of Nebraska et al.* (F. (2d) 722), in which it was held that " \* \* \* Theft, whether it be grand or petit larceny, involves moral turpitude \* \* \*." It may be of interest to note that the Supreme Court of the United States in United States ex rel. Ulrich v. Stimson (279 U. S. 868) denied the petition of Mr. Ulrich for a writ of certiorari to the Court of Appeals of the District of Columbia.

If the information given above does not serve the purposes which you have in mind, the department will be glad to furnish any further particulars you may desire regarding the case.

Sincerely yours,

J. P. COTTON, Acting Secretary.

After the consul, the State Department, and all of the courts to which her powerful friends could appeal have applied the law to her case, it is now proposed that Congress shall override the actions of all these and admit her. There is no justification for such action. The bill should not pass.

JOHN C. BOX.

Mr. GREEN. Further reserving the right to object, in those minority views, I am glad to say there were several that concurred, and I am among them.

Mr. LEAVITT. Mr. Speaker, in view of the fact there is no opportunity for a fair debate on this measure under the Consent Calendar rules, I ask for the regular order.

The SPEAKER. Is there objection?

Mr. BOX. I object.

#### PURCHASE OF MOTOR-TRUCK PARTS

The next business on the Consent Calendar was the bill (H. R. 12285) to authorize the Postmaster General to purchase motor-truck parts from the truck manufacturer.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I would like some information. This is to permit the Postmaster General to buy truck parts from manufacturers without the customary advertisement. The idea of this seems to me to be all right, but I recall that in recent income-tax cases it has been held by the Federal courts, I believe, that parts would include a battery, for instance, and this would permit the department to buy batteries without advertising. As a matter of fact, one battery would serve perhaps as well as another. Is it the idea of the gentleman from Illinois that the authority here given should be as broad as that?



Mr. SPROUL of Illinois. No; it is simply for repair parts. They have a list price on all these repair parts.

Mr. CRAMTON. This revenue-tax decision seemed to me to go further than was justified, but inasmuch as we have these court decisions, would they not apply to this bill?

Mr. SPROUL of Illinois. I am not a lawyer and could not say.

Mr. CRAMTON. And permit them to buy a battery, for instance, without advertising.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. LaGUARDIA. I think there is one saving feature in this bill and that is that the price must not exceed the truck manufacturer's list price.

Mr. SPROUL of Illinois. List price, less the discount.

Mr. CRAMTON. But sometimes when they advertise to buy a good many thousand batteries, for instance, they may get them at less than the list price.

Mr. SPROUL of Illinois. I do not think a battery is a part within the meaning of this proposed law.

Mr. CRAMTON. I thing the word was "accessories."

Mr. COLLINS. Yes; batteries are classed as accessories. I asked the General Supply Committee about this particular bill to-day and was advised that they advertised for accessories and carried accessories, but did not advertise for or carry parts. They make a distinction between accessories and parts.

Mr. KELLY. And this applies to parts.

Mr. CRAMTON. And a battery would be considered an accessory? Then I am willing to take a chance on it.

Mr. SPROUL of Illinois. I know that is right.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, from my personal knowledge I know the department has in its service many commercial automobile cars which are not trucks. Take, for instance, the old Ford model T commercial car, and the Ford car model AA, and the Chevrolet commercial car. Is it not as essential to have the department vested with authority to purchase parts for commercial cars as it is to purchase parts for the trucks? There is a distinction in the automobile trade between motor trucks and commercial automobile cars.

Mr. KELLY. If the gentleman will permit, I can explain that. The Post Office Department enters into contracts with letter carriers for the operation of the cars to which the gentleman refers. It does not operate them and, of course, does not buy parts for them.

Mr. STAFFORD. Oh, I know of my own knowledge that the department has purchased a great number of commercial cars and has them running around the streets in the screened-wagon service and in collecting the mail. They purchase those cars, or at least they did years back.

Mr. KELLY. Those screened wagons are trucks.

Mr. STAFFORD. I am speaking of the small commercial delivery car.

Mr. KELLY. Those are operated under contracts with individuals, employees and others.

Mr. SPROUL of Illinois. This bill only covers motor trucks.

Mr. STAFFORD. I was going to suggest extending the privilege to commercial automobiles.

Mr. SPROUL of Illinois. I do not think that is necessary. The department has not asked for that. We have covered here all the department has asked, and I think it is properly covered here.

Mr. STAFFORD. Then I will direct another inquiry to the gentleman. Why should the purchase of these motor-truck parts be limited to those motor trucks that have been purchased as a result of competitive bidding? Years back, or shortly after the close of the war, the department received many of the abandoned or nonused trucks of the War Department and they are still in use. It would seem essential that the department have authority to purchase parts for those trucks.

Mr. SPROUL of Illinois. They would have authority to purchase parts from the manufacturers for the trucks they have in service.

Mr. STAFFORD. You have a limiting clause here which says, "In the operation of motor trucks purchased as a result of competitive bidding." Those trucks were not purchased as a result of competitive bidding. Why the discrimination?

Mr. KELLY. If the gentleman will refer to page 2 of the report, he will find the reason for the amendment offered by the committee. The Postmaster General suggested the amendment which is included in this bill to cover the trucks bought from the War Department.

Mr. STAFFORD. Where is the language in the bill that covers that situation?

Mr. KELLY. The language is—

That whenever motor-truck parts are needed by the Post Office Department in the operation of motor trucks purchased as a result of competitive bidding, the Postmaster General—

And so forth.

Mr. STAFFORD. Yes; you are limiting the right of purchasing these parts of those trucks purchased under competitive bidding. The language of the bill limits it to those trucks purchased as the result of competitive bidding.

Mr. KELLY. I think the gentleman is right about his interpretation.

Mr. STAFFORD. I will withdraw the reservation and offer an amendment to strike out the words "result of competitive bidding."

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That whenever motor-truck parts are needed in the operation of motor trucks purchased by the Post Office Department as the result of competitive bidding, the Postmaster General is hereby authorized to enter into agreements with truck manufacturers for the purchase of such truck parts at a price not exceeding the truck manufacturer's list price, less regular discounts, without advertising under such arrangements as in the opinion of the Postmaster General will be most advantageous to the Government.

With the following committee amendment:

Page 1, line 3, strike out the words "in the operation of motor trucks purchased."

Page 1, line 5, strike out the words "as the" and insert the words "in the operation of motor trucks purchased as a."

Mr. STAFFORD. Mr. Speaker, I offer the following amendment to the committee amendment:

Line 5, strike out the words "purchased as a."

The amendment to the committee amendment was agreed to.

Mr. STAFFORD. I offer the following amendment:

Strike out the words "result of competitive bidding."

The Clerk read as follows:

Page 1, line 6, strike out the words "result of competitive bidding."

The amendment was agreed to.

The committee amendment as amended was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

#### ORDER OF BUSINESS

Mr. SNELL. Mr. Speaker, since making the announcement a few moments ago as to what the program would be tomorrow, I find that we will not be able to take up the copyright bill. So I ask unanimous consent that, after disposing of the special investigation resolution, it shall be in order to continue the Consent Calendar, beginning where we leave off to-day.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. SPROUL of Illinois. Reserving the right to object, I would like to ask the gentleman, what is the objection to taking up the Capper-Kelly bill?

Mr. LaGUARDIA. We want to finish the Consent Calendar.

Mr. SNELL. I think we better let that go over another day.

Mr. SPROUL of Illinois. You can let it go over one or two days; I do not object.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GARNER. I would like to ask the gentleman from New York a question: Does he anticipate that he will take a great deal of time to-morrow on this rule?

Mr. SNELL. That is up to the gentleman's side of the House. This side of the House will get through in less than three minutes.

Mr. GARNER. I simply asked the question so that Members might be here early to take up the Unanimous Consent Calendar.

#### ADDRESS OF HON. CARROLL L. BEEDY, OF MAINE

Mr. GARNER of Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered by the gentleman from Maine, Hon. CARROLL



L. BEEDY, at Bridgewater College, Bridgewater, Va., June 1, 1930.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The address is as follows:

#### COMMENCEMENT AND DEDICATORY ADDRESS

This is, indeed, a delightful and inspiring hour for us all. For the college it commemorates half the cycle of a century's existence. For the graduating class it marks the termination of prescribed academic study and entrance upon yet broader fields of endeavor. As for myself, it marks the first formal visit which it has been my privilege to make in Virginia, a State which is conceded to be one of the most renowned in our Union.

When my distinguished friend and your able, respected, and beloved Representative GARBER invited me to deliver the address at the dedication of this auditorium, both private and official duties argued my refusal. Yet the regard which I have for your Congressman and the hesitancy which was mine to deny him any request, inclined me to an acceptance. This inclination, coupled with the thought that my presence here would bring me into the closest of communion with the imperishable influences for national betterment and human service which have always emanated from Virginia soil, compelled my acceptance.

Thus it is that Maine now joins with Virginia in paying homage, not only to your immortal sons and daughters, but to this institution of learning which has furnished, and is furnishing, its rich contributions to the development of American manhood and womanhood.

It is indeed no mean heritage of character and achievement which has been left us by a Washington, a Jefferson, a Henry, a Madison, a Marshall, a Monroe, a Randolph, and a Lee. The mere utterance of these names stirs the pride and quickens the will to accomplishment of every good citizen. Nor is the source of our pride and desire to approximate the achievements of former generations limited to those great men whom I have mentioned. We should all remember, nor can any true Virginian forget, that the military genius of a Lee, the fervent eloquence of a Henry, and the giant intellect of a Marshall would have been lost to Virginia and the Nation had not each of these men been blessed with a rare ancestry culminating in that most precious possession, a self-sacrificing and loving mother. The names of Mary Ball, mother of Washington; Sarah Winston, mother of Patrick Henry; Mary Isham Keith, mother of Marshall; and Anne Carter, mother of Robert E. Lee, will never fall as an inspiration to American womanhood.

Surely, Virginia and the Nation have lost nothing of their power to reproduce a Dolly Madison and a Sarah Jay. Both embodied the broadest culture, the purest character, and the soundest sense of ideal American womanhood. Each renowned for her physical beauty, attained the highest social distinction. Each married a Virginian who gained an international reputation. No more striking tribute was ever received by an American woman than by that famed daughter of Virginia, Mrs. John Jay, who, with her husband upon his mission to France, having entered a French theater, was greeted by the audience, which rose en masse, mistaking the wife of the American diplomat for their beautiful queen, Marie Antoinette.

Reference to these distinguished men and women of a former day and generation may not be amiss upon this occasion. If they achieved distinction, why not you? None of them enjoyed the advantages which you enjoy to-day. By how much more then may the present generation eclipse the past? The future possibilities of individual development and personal attainment are practically without limit. The boy or the girl of to-day who is graduated from this seat of learning, if but a portion of daily opportunities has been improved, is far better equipped to solve the problems of the future, to serve himself and his fellow men, than was the youthful Washington, Marshall, or Lee.

In the early days of these great men there was not in all Virginia a college building which could compare in beauty and facility for common usefulness with this auditorium. Dr. Charles Knox Cole, in whose memory this building is given, is but one of many who in more recent days has demonstrated what the individual can accomplish for himself and others if he but possesses the will to do and the ambition to excel. He was not content to follow the example of the average. He not only availed himself of the best educational facilities in his own country, but his aim was so to perfect himself in professional skill and knowledge that he might tower above the ordinary. He, therefore, had recourse to the great colleges of medicine in Berlin, Paris, and Vienna. Honored at home and abroad, beloved by all who came to know him, he made smoother the rough ways of life for others. So beloved indeed was he by his own that his daughter, Virginia Garber Cole, responding to the urge of generosity, affection, and loyalty, has presented this institution, a memorial to her father, which shall serve not only the present but succeeding generations.

The generosity of Virginia Garber Cole is but a lone illustration of what is being done by the great and true of this Nation for their fellows. So long as we shall thus reinforce our institutions of learn-

ing and so long as we shall train the minds of youth for high achievement—not in the spirit of self-service but in the spirit of general betterment—so long shall our social order endure.

We face many dangers in the exigencies of the hour, but among the greatest is the possible failure of the present generation to perceive the necessity for diligence and the improvement of ever-present opportunity. There is so much which is available for the mere enjoyment as well as for the enrichment of the present, so much that has come down to us without any effort or sacrifice on our own part, that we are in danger of being surfeited with things and consumed with the desire for pleasure. The impelling forces of modern life threaten to bear along in their currents the great majority who perceive little of the real trend with its attendant consequences and who care less.

The genius of man has showered us with uncounted conveniences which yesterday were viewed as impossible but to-day are looked upon as a mere matter of course. The human voice is projected through the ether; oceans are spanned and continents bound together by the spoken word without any visible or tangible means of contact. What was viewed as the insane dream of an Edward Bellamy has become a commonplace reality, and even in the humblest home we press a button and listen to symphonic strains removed in distance by hundreds of miles. Man has mastered what were but yesterday unknown and hidden forces of the universe and now bends to his will the dynamic and compelling power of electrical energy. He defies the laws of gravity, mounts the heavens and eclipses the speed of the fleetest bird. Fulfilling the dreams of a Jules Verne, he traverses the depths and explores the teeming mysteries of the boundless seas. He has multiplied ad infinitum those mechanical contrivances which make life soft and easy of living and in another field he has contrived and perfected the powerful machines which by nicety of operation and control, accomplish at his will the almost momentary destruction of entire cities.

What is the end to be? Is not the great danger that unless the mind and purpose of coming generations be properly trained and their benevolent impulses sufficiently stimulated, I repeat, is not the great danger that the instruments of man's genius may in the end be turned upon him to work his own ruin? Surely, the continuing necessity of education is perceived by all.

Education, it is clear, is but a means to an end. Its aim is to fit the individual to find his rightful place in the social order and do to the best of his ability his chosen work. And it would seem important that our educational institutions should aim to impress our youth with the idea that the success of the individual is not to be measured by the money which he accumulates. All too frequently money is acquired through an utter disregard of the rights of others. Such acquisition finally destroys all that is really worth possessing. What do we mean by this?

There are two essential rights of which every educated man and woman in particular should never lose sight. They are the right to the broadest possible measure of individual freedom and the fullest measure of individual justice. When wealth in general is procured in disregard of the rights of others, individual freedom and justice are destroyed.

But let us consider the aim of education still further. To fit the individual for his place in society, a college education should equip him to meet his individual responsibilities under government. This must be clear because without government there can be no such thing as ordered society.

To-day we lead the world in a great experiment of self-government. We are attempting to deny in practice the theory of government which obtained for centuries and to which many still adhere. The old theory was that the many were incapable of governing themselves; that a few comprising an aristocracy, not an aristocracy even by fitness, but an aristocracy by birth, should govern the many.

We are attempting to prove that the many can govern themselves. If we are to succeed in our experiment, if the people are to govern wisely, it is clear that the average individual should not only be able to select fit persons for high places, but that there should be trained men and women able and ready to meet the responsibilities of leadership. To this end it would seem essential that our educational institutions should insist upon the duty of every educated person to give to society, to government, more than he takes. This is the only correct standard. If we hold to it we shall not have lived in vain. He who observes it fortifies himself in his own rights and strengthens the guarantees of freedom and justice—present and future.

Our Government is frequently referred to as a democracy. It is, however, only a modified form of democracy. Under a democracy the people not only possess but they directly exercise all power. Under our Government the people possess ultimate power, but they elect representatives to exercise it. If it be not an inconsistent use of terms, our Government, therefore, may be called a representative democracy. Surely the education of the coming generation to better insure the perfection of a representative democracy in this country is a work of the highest order.

Representative democracy embodies the essential features of the truest socialism. It regards the individual not as a mere means to an end; it



regards the individual as the end itself; it aims for his fullest development, for his highest advancement. It seeks to give power to those most deserving and best fitted to wield it. Thus our Government would protect each one of us not only in his own right to earn and enjoy the bread of life, but in his right to enjoy homes, friends, schools, and churches without hindrance by those who are blind with avarice for wealth and power.

Our institutions of learning exercise a most vital influence on the general mind or thought. And do not forget that it is the thought of men and women to-day which is to move the world to-morrow. The proper direction of thought by our schools and colleges is of supreme importance. It is within their power to mold and train American youth either for builders or for destroyers of society. Surely we have a right to expect of our colleges that they infuse their students with an understanding of the truth. That truth, among other things, embraces the tenet that however much of knowledge the individual may acquire, he is a failure if he seeks only to serve himself and loses the broad opportunity for service to others. For such service one finds ample opportunity in public life.

This community, this State, and this Nation have a right to look for upbuilding leadership in the ranks of those who have sojourned in the halls of learning. Of right your fellow men look to you of Virginia, who are privileged to graduate from this institution of learning. They have a right to expect, and they do expect, that you will not only understand how to perform the tasks which you shall undertake, but that you shall in the performance of your duties, labor not with the idea of enriching yourselves, but with the idea of making yourselves useful—yes, indispensable, to the well-being of others.

Had I a message for the coming generation, this I would give: Shun wealth as an objective; avoid invention and machination for financial returns. Seek to create only that which makes for general health, security, and contentment. Profit by the sad example of that self-seeking in the past which has destroyed the happiness of man, blotted the pages of history with futile warfare, and plunged nations to destruction.

This, if I had advice to give, would be the last and utmost of wise counsel. In the fourth chapter of Proverbs we are enjoined in the following terms:

"Take fast hold of instruction; let her not go; keep her; for she is thy life.

"Get wisdom, get understanding: \* \* \* wisdom is the principal thing; \* \* \* exalt her and she shall promote thee; she shall bring thee to honor, when thou dost embrace her."

No nobler words were ever penned. I cite them in order that in closing I may impress upon you a fundamental distinction between a common misunderstanding of the purpose of education and the real purpose of study and learning.

If a college course has resulted merely in storing the mind with a diversified accumulation of facts, then the course of instruction has failed. Knowledge is not the main objective of instruction. The author of the Book of Proverbs emphasizes this point. He tells us that "wisdom is the principal thing" and he enjoins us to get wisdom. And wisdom is but another word for understanding.

The instruction given by educational institutions, 'tis true, necessarily deals with an accumulation of facts. But those facts are presented first in one light and then in another. They are oftentimes rearranged. They are thrown upon the screen, as it were, for study—first in one combination and then in another; all to the end that the human mind may be able to pick up disjointed facts, estimate their correlated values, and build with them a harmonious whole. To this end understanding or wisdom is essential. It results not only from the processes of pure reason. It partakes also of the human emotions—sympathy, imagination, and foresight.

If the college graduate of the future is to meet and fill the great need of the hour, he must not only have knowledge of facts but he must have an understanding of men, of human needs, of human aspirations, of the universal kinship of men, and the ultimate purpose of the Creator. He must glimpse the divine plan which aims that from selfishness, misunderstanding, destructive contention, and error shall come unselfish concern, each for the welfare of the other, an unbroken bond of human fellowship, and that universal harmony born of an understanding of truth.

Let us have an understanding of that eternal truth that this world was created by an unseen power; that the various races which people it spring from the single and original source; that the hills, the valleys, and the seas of earth were designed equally for the life of all; and that contentment and understanding were designed as the universal heritage.

Let no narrow or provincial view turn us against any government or the establishment of any agency under government which will promote a better understanding—man of man and nation of nation. Let us strive with all the power of thought and example to the end that unbridled passion may no longer drench the world in blood, but that compassion and peace, the dream of the ages, may at length reign supreme.

As a powerful force in the attainment of our objectives, we look with the utmost assurance to the small college. As a helpful instrument in the realization of these purposes, we now dedicate this auditorium in the name of Dr. Charles Knox Cole, in the name of Bridgewater College and the State of Virginia, in the name of an all-embracing humanity.

#### RECOMMITMENT OF A BILL

Mr. VESTAL. Mr. Speaker, I ask unanimous consent that the bill H. R. 12549 to amend and consolidate the acts in respect to copyright be recommitted to the Committee on Patents.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the bill H. R. 12549 be recommitted to the Committee on Patents. Is there objection?

There was no objection.

#### LEAVE OF ABSENCE

Mr. CROWTHER (at the request of Mr. HANCOCK), by unanimous consent, was given leave of absence for three days on account of important business.

#### SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 304. An act for the relief of Cullen D. and Lettie A. O'Bryan;

S. 308. An act for the relief of August Mohr;

S. 670. An act for the relief of Charles E. Anderson;

S. 671. An act for the relief of E. M. Davis;

S. 857. An act for the relief of Gilbert Peterson;

S. 1183. An act to authorize the conveyance of certain land in Hot Springs National Park, Ark., to the P. F. Connelly Paving Co.;

S. 1254. An act for the relief of Kremer & Hog, a partnership;

S. 1255. An act for the relief of the Gulf Refining Co.;

S. 1257. An act for the relief of the Beaver Valley Milling Co.;

S. 1702. An act for the relief of George W. Burgess;

S. 1955. An act for the relief of the Maddux Air Lines (Inc.);

S. 1963. An act for the relief of members of the crew of the transport *Antilles*;

S. 1971. An act for the relief of Buford E. Ellis;

S. 2465. An act for the relief of C. A. Chitwood;

S. 2788. An act for the relief of A. R. Johnston;

S. 2864. An act for the relief of certain lessees of public lands in the State of Wyoming under the act of February 25, 1920, as amended;

S. 3284. An act for the relief of the Buck Creek Oil Co.;

S. 3577. An act for the relief of John Wilcox, jr.;

S. 3642. An act for the relief of Mary Elizabeth Council;

S. 3664. An act for the relief of T. B. Cowper;

S. 3665. An act for the relief of Vida T. Layman; and

S. 3666. An act for the relief of the Oregon Short Line Railroad Co., Salt Lake City, Utah.

#### BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills and joint resolutions of the House of the following titles:

H. R. 745. An act for the relief of B. Frank Shetter;

H. R. 3430. An act for the relief of Anthony Marcum;

H. R. 3764. An act for the relief of Ruban W. Riley;

H. R. 11050. An act to transfer Willacy County, in the State of Texas, from the Corpus Christi division of the southern district of Texas to the Brownsville division of such district;

H. J. Res. 251. Joint resolution to promote peace and to equalize the burdens and to minimize the profits of war; and

H. J. Res. 311. Joint resolution for the participation of the United States in an exposition to be held at Paris, France, in 1931.

#### ADJOURNMENT

Mr. SNELL, Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 49 minutes p. m.) the House adjourned until to-morrow, Tuesday, June 24, 1930, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

567. Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting report from the Chief of Engineers on Ausable River, N. Y., covering navigation, flood control, power development, and irrigation, was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed.



### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers on the War Department (Rept. No. 2010). Ordered to be printed.

Mr. LEA: Committee on Interstate and Foreign Commerce. H. R. 12843. A bill granting the consent of Congress for the construction of a dike or dam across the head of Camas Slough to Lady Island on the Columbia River in the State of Washington; with amendment (Rept. No. 2011). Referred to the House Calendar.

Mr. LEA: Committee on Interstate and Foreign Commerce. H. R. 12919. A bill granting the consent of Congress to the State of Montana or any political subdivisions or public agencies thereof, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River southerly from the Fort Belknap Indian Reservation at or near the point known and designated as the Power-site Crossing or at or near the point known and designated as Wilder Ferry; with amendment (Rept. No. 2012). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. S. 4400. An act to legalize a pier constructed in Chasapeake Bay at Annapolis Roads, Md., and to legalize an intake pipe in Warren Cove, at Plymouth, Mass.; without amendment (Rept. No. 2013). Referred to the House Calendar.

Mr. COLTON: Committee on the Public Lands. H. R. 8534. A bill for the transfer of jurisdiction over Sullys Hill National Park from the Department of the Interior to the Department of Agriculture, to be maintained as the Sullys Hill National Game Preserve, and for other purposes; with amendment (Rept. No. 2014). Referred to the Committee of the Whole House on the state of the Union.

### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XXIII,

Mr. COCHRAN of Pennsylvania: Committee on Military Affairs. H. R. 5466. A bill for the relief of Thomas A. Ryland; with amendment (Rept. No. 2004). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 7780. A bill for the relief of June Harvie; with amendment (Rept. No. 2005). Referred to the Committee of the Whole House.

Mr. GRANFIELD: Committee on Military Affairs. H. R. 9247. A bill for the retirement of Arthur Maxwell O'Connor; with amendment (Rept. No. 2006). Referred to the Committee of the Whole House.

Mr. QUIN: Committee on Military Affairs. H. R. 9609. A bill for the relief of Llewellyn B. Griffith; with amendment (Rept. No. 2007). Referred to the Committee of the Whole House.

Mr. GARRETT: Committee on Military Affairs. H. R. 10402. A bill for the relief of Harry W. Boyd; without amendment (Rept. No. 2008). Referred to the Committee of the Whole House.

Mr. GARRETT: Committee on Military Affairs. H. R. 10403. A bill for the relief of John DuBois; without amendment (Rept. No. 2009). Referred to the Committee of the Whole House.

### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of Washington: A bill (H. R. 13110) to regulate the issuance of immigration visas during the fiscal year beginning July 1, 1930; to the Committee on Immigration and Naturalization.

By Mr. EATON of Colorado: A bill (H. R. 13111) authorizing the Secretary of the Interior to issue certain patents; to the Committee on the Public Lands.

By Mr. JOHNSON of South Dakota: Joint resolution (H. J. Res. 378) to permit the Dornier Dox flying boat to enter the United States free of customs duty under certain conditions; to the Committee on Ways and Means.

### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 13112) granting an increase of pension to Eliza Sharp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13113) granting a pension to Bettie Carr; to the Committee on Invalid Pensions.

By Mr. COYLE: A bill (H. R. 13114) for the relief of Col. Richard M. Cutts, United States Marine Corps; to the Committee on Claims.

By Mr. DUNBAR: A bill (H. R. 13115) granting a pension to Cora D. McCart; to the Committee on Pensions.

Also, a bill (H. R. 13116) granting a pension to Henderson Howerton; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 13117) granting a pension to James McGuire; to the Committee on Invalid Pensions.

By Mr. GREGORY: A bill (H. R. 13118) granting a pension to Mattie Street; to the Committee on Invalid Pensions.

By Mr. LAMBERTSON: A bill (H. R. 13119) for the relief of Lyle O. Armel; to the Committee on Naval Affairs.

By Mr. LETTS: A bill (H. R. 13120) granting an increase of pension to Mary L. Baker; to the Committee on Invalid Pensions.

By Mr. MICHAELSON: A bill (H. R. 13121) for the relief of James W. Blair; to the Committee on Claims.

By Mr. O'CONNOR of Oklahoma: A bill (H. R. 13122) granting an increase of pension to Katie F. Finch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13123) granting a pension to Sarah Hammons; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 13124) granting an increase of pension to Lewella McCorkhill; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 13125) granting a pension to Amy E. Hemenway; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 13126) granting an increase of pension to Elizabeth J. Goldthwait; to the Committee on Invalid Pensions.

By Mr. WYANT: A bill (H. R. 13127) granting an increase of pension to Malinda Husband; to the Committee on Invalid Pensions.

### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7629. Petition of First Street Ladislau Roman Catholic Hungarian Society of Cleveland, Ohio, urging Congress to lend its good will to Hungary in her efforts to regain her territories; to the Committee on Foreign Affairs.

7630. By Mr. EATON of New Jersey: Resolution of the New Jersey Society Sons of the Revolution, adopted at the annual spring meeting, proposing that a street or avenue in Washington, D. C., be named after the Comte and Admiral de Grasse, and that a monument or memorial of gratitude be erected on such street or avenue; to the Committee on the District of Columbia.

7631. By Mr. BRIGGS: Night lettergram, dated June 21, 1930, from H. G. Hamrick, chairman legislative department, Brotherhood of Railroad Trainmen of Texas, urging passage of Couzens resolution, S. J. Res. 161, and opposing House committee substitute; to the Committee on Interstate and Foreign Commerce.

7632. Also, night lettergram, dated June 22, 1930, from Past President J. T. Mears, Oleander Lodge, No. 70, Switchmen's Union of North America, Galveston, Tex., urging the passage of Couzens resolution, S. J. Res. 161; to the Committee on Interstate and Foreign Commerce.

7633. Also, communication, dated June 19, 1930, from W. Hooks, mayor, and J. F. Hall, president of Lion Club, Groveton, Tex., urging more extended building program, especially to relieve existing unemployment; to the Committee on Public Buildings and Grounds.

7634. By Mr. YATES: Petition of Joseph Lyman, post adjutant, American Legion, White Hall, Ill., urging the immediate passage of the Johnson bill; to the Committee on World War Veterans' Legislation.

7635. Also, petition of Frank Schromeck, commander Troy Post, American Legion, Troy, Ill., urging Congress to pass the Johnson bill without amendment; to the Committee on World War Veterans' Legislation.

7636. Also, petition of Helen J. Levy, Forest Park, Ill., urging the passage of veterans' legislation before the adjournment of Congress; to the Committee on World War Veterans' Legislation.

7637. Also, petition of J. H. Walker, commander Pope County Post, No. 719, American Legion, Golconda, Ill., urging the passage of the Johnson bill at the present session of Congress; to the Committee on World War Veterans' Legislation.

7638. Also, petition of J. H. Malone, treasurer May & Malone, 37 South Wabash Avenue, Chicago, urging the defeat of House bill 11096; to the Committee on the Post Office and Post Roads.



7639. Also, petition of E. W. Johnson, 180 North Michigan Avenue, Chicago, Ill., urging the defeat of House bill 11096, a bill relative to increased postal rates; to the Committee on the Post Office and Post Roads.

7640. Also, petition of T. S. Hammond, president Whiting Corporation, Harvey, Ill., protesting the passage of House bill 11096; to the Committee on the Post Office and Post Roads.

7641. Also, petition of Percy Brine, 330 Wells Street, Chicago, Ill., urging the defeat of House bill 11096; to the Committee on the Post Office and Post Roads.

## SENATE

TUESDAY, June 24, 1930

Rev. James W. Morris, D. D., assistant rector of the Church of the Epiphany, city of Washington, offered the following prayer, it being the collect for the day (St. John Baptist):

Almighty God, by whose providence Thy servant John Baptist was wonderfully born and sent to prepare the way of Thy Son our Savior by preaching repentance, make us so to follow his doctrine and holy life that we may truly repent according to his preaching, and after his example constantly speak the truth, boldly rebuke vice, and patiently suffer for truth's sake. Amen.

### THE JOURNAL

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Wednesday last, when, on request of Mr. McNARY and by unanimous consent, the further reading was dispensed with and the Journal was approved.

### CALL OF THE ROLL

Mr. McNARY. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Gillett	McNary	Steck
Ashurst	Glass	Metcalf	Steiwer
Barkley	Glenn	Moses	Stephens
Bingham	Goldsborough	Oddie	Sullivan
Black	Hale	Overman	Swanson
Blaine	Harris	Patterson	Thomas, Idaho
Borah	Harrison	Phipps	Thomas, Okla.
Brock	Hatfield	Pine	Townsend
Broussard	Hayden	Pittman	Trammell
Capper	Hebert	Ransdell	Tydings
Caraway	Howell	Reed	Vandenberg
Copeland	Johnson	Robinson, Ark.	Wagner
Couzens	Jones	Robinson, Ind.	Walcott
Cutting	Kendrick	Robson, Ky.	Walsh, Mass.
Dale	La Follette	Sheppard	Walsh, Mont.
Deneen	McCulloch	Shipstead	Watson
Dill	McKellar	Shortridge	Wheeler
George	McMaster	Smoot	

Mr. SHEPPARD. The Senator from Florida [Mr. FLETCHER], the senior Senator from South Carolina [Mr. SMITH], the Senator from Utah [Mr. KING], and the Senator from Missouri [Mr. HAWES] are necessarily detained from the Senate by illness.

The junior Senator from South Carolina [Mr. BLEASE] and the senior Senator from New Mexico [Mr. BRATTON] are necessarily detained from the Senate by reason of illness in their families.

The VICE PRESIDENT. Seventy-one Senators have answered to their names. A quorum is present.

### MUSCLE SHOALS

Mr. McKELLAR. Mr. President, I ask unanimous consent that the clerk may read from the desk a short editorial from the Arkansas Gazette in reference to the statement of the senior Senator from Arkansas [Mr. ROBINSON] about Muscle Shoals; also a short editorial from the St. Louis Post-Dispatch entitled "A National Disgrace," having reference to the same subject and the speech of the junior Senator from Alabama [Mr. BLACK] thereon.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

[From the Arkansas Gazette, June 18, 1930]

#### TIME TO DO SOMETHING ABOUT MUSCLE SHOALS

Senator JOSEPH T. ROBINSON has urged President Hoover to intervene in the deadlock between House and Senate conferees on the question of Muscle Shoals legislation. The appeal is a timely one. The development of this great source of hydroelectric power should not be delayed year after year by the inability of Congress to formulate policies for its use. The controversy has dragged on for more than a decade now, and with House and Senate taking into conference two bills diametrically opposed to each other and the House refusing to listen to any proposals for compromise there seems small prospect for action

during the life of this Congress unless more decisive leadership is displayed in the matter by the administration.

The average man can not be expected to understand all the questions involved, complicated as they are not only by technical problems of power generation and river navigation but also by problems of industrial chemistry and by the dispute between those who advocate and those who oppose public ownership and operation of such utilities as the Muscle Shoals plant. But the average man is convinced that some permanent program should be adopted for use of a property in which the Government has made a heavy investment. The public will feel that if Mr. Hoover's leadership is needed to bring about action Mr. Hoover might well exercise that leadership at this time.

[From the St. Louis Post-Dispatch, June 17, 1930]

#### A NATIONAL DISGRACE

Senator BLACK's powerful speech on Muscle Shoals should awaken the country to the disgraceful delay in putting this great plant to work. It was built during the war at a cost of \$130,000,000, and has lain practically idle ever since, although the South is in desperate need of electric power. Loss in interest on the investment alone from 1918 to 1930 amounts approximately to \$75,000,000.

The Alabama Senator blames Mr. Hoover for the failure of the present Congress to pass Muscle Shoals legislation. He says Mr. Hoover in his Elizabethton speech and in subsequent statements promised Government operation and control of the plant, but has not lifted a finger to put such a plan through Congress. At the present time a deadlock exists between the Senate and the House. The Senate favors Government operation of the power plant and also of the nitrate plant at the shoals. The House is obstinately opposed to this solution and favors leasing both plants to private interests. A compromise, suggested by Senator NORMAN, to lease the nitrate plant to fertilizer companies while permitting the Government to operate and control the power plant has been refused by the House.

Mr. Hoover's leadership would undoubtedly make it possible for House and Senate to agree. "It is a national disgrace and a national crime," says Senator BLACK, "that for 10 years the power and fertilizer interests have been able to prevent this great property from being put to work for the benefit of the public. The President could settle it with one word to the leaders of his party in the House and Senate."

Putting Muscle Shoals to work should appeal especially to the great engineer, whose mind is supposed to abhor waste and inefficiency. But, unfortunately, the great engineer seems to be overshadowed by the politician, frightened by the absurd bugaboo attaching to Government operation.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 134. An act authorizing an appropriation for the purchase of land for the Indian colony near Ely, Nev., and for other purposes;

S. 135. An act to provide for the payment for benefits received by the Paiute Indian Reservation lands within the Newlands irrigation project, Nev., and for other purposes;

S. 485. An act to amend section 9 of the Federal reserve act and section 5240 of the Revised Statutes of the United States, and for other purposes;

S. 486. An act to amend section 5153 of the Revised Statutes as amended;

S. 3627. An act to amend the Federal reserve act so as to enable national banks voluntarily to surrender the right to exercise trust powers and to relieve themselves of the necessity of complying with the laws governing banks exercising such powers, and for other purposes; and

S. 4096. An act to amend section 4 of the Federal reserve act.

The message also announced that the House had passed the bill (S. 941) to amend the act entitled "An act to regulate interstate transportation of black bass, and for other purposes," approved May 20, 1926, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 8529. An act to provide for the establishment of the Yakima Indian Forest;

H. R. 10582. An act to provide for the addition of certain lands to the Lassen Volcanic National Park in the State of California;

H. R. 11515. An act to provide for the sale of the Government building site located on the State line dividing West Point, Ga., and Lanett, Ala., and for the acquisition of new sites and construction of Government buildings thereon in such cities;

H. R. 11622. An act to provide for the appointment of an additional district judge for the eastern and western districts of Louisiana;